CONFLICT, GOVERNANCE AND ORGANIZED CRIME

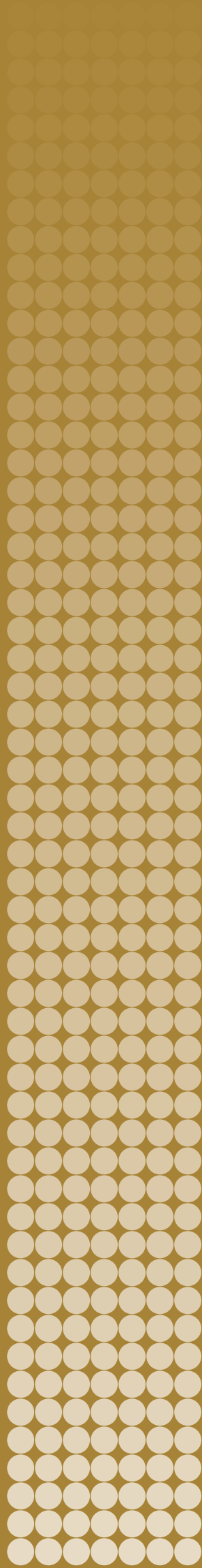Complex Challenges for UN Stabilization Operations

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Acknowledgements

Executive summary

This report examines the nexus between armed conflict, governance and organized crime in the Central African Republic (CAR), the Democratic Republic of the Congo (DRC) and Mali. It assesses the approaches taken by the three respective UN stabilization operations to combat organized crime, namely the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Multidimensional Mission in Mali (MINUSMA). The three countries are affected by conflict and have high levels of organized criminality and very low levels of resilience. The confluence of organized crime with fragility undermines economies, environments, societies and states, especially since state-embedded actors have been found to be the dominant type of actor involved in organized crime globally.

Changes in the nature and dynamics of armed conflict contribute to this nexus, specifically the growing incidence, length and internationalization of armed conflicts, the rising number and fluidity of conflict actors through the fragmentation and proliferation of armed groups, and the resulting increase in intractability of armed conflict. The reliance of non-state armed groups on controlling territory and populations to extract resources and impose taxes drives both conflict and illicit markets. Economic interests in natural resources in conflict zones have also been a factor in the internationalization of these conflicts through military intervention by external parties on one or both sides.

Governance in these fragile and conflict-affected settings is hybrid and multi-layered, involving not only formal state structures, but also informal, traditional or customary non-state authorities, which in some areas may include armed groups. Pervasive patronage networks and the private use of public resources help to explain the prominence of state-embedded actors in organized crime and the correlated low levels of societal resilience to organized crime. Organized crime interacts with complex hybrid governance systems to exacerbate and entrench armed conflicts in fragile settings.

In eastern DRC, non-state armed groups have fragmented and proliferated. The DRC has the world's highest level of organized criminality, involving activities such as arms trafficking and illicit exploitation of and international trade in conflict minerals, diamonds, gold and timber, as well as ivory and other animal products. The DRC scores near the bottom of the international scale of resilience to organized crime, and despite its wealth of natural resources, it scores near the bottom of the world human development index. In recent years, the armed conflict has been described as primarily economically rather than politically motivated. In addition to the involvement of non-state armed groups in illicit exploitation of natural resources, trafficking and taxation, members of the Congolese political system, military and police have similarly been implicated in these activities, sometimes in cooperation with the same armed groups and urban crime gangs they are tasked to combat. Patronage networks exist in state security institutions, in which personnel provide kickback payments up the chain of command in exchange for positions, promotions and lucrative deployments. Mutual protection systems also link armed groups with the Congolese military. These systems of reciprocal protection and patronage are sustained by extracting rents from local populations and by involvement in the illicit extraction and trafficking of resources and contraband, including to neighbouring states, which have been involved in the conflict in eastern DRC both directly and through proxy actors and allies.

MONUSCO's stabilization strategy has not targeted the underlying governance system or addressed the patronage and reciprocal protection networks that help to sustain conflict and organized crime and corruption. Efforts to combat organized crime have focused on capacity-building in the national police. The current state of emergency in North Kivu and Ituri has seen Congolese military and police assume positions of civil administration, including the courts, with resulting suppression of human rights, high numbers of individuals held in pre-trial detention, and increased numbers of civilians killed by armed groups. The UN Security Council has recognized mining and natural resource management as priorities in the transition, and MONUSCO is now focusing on strengthening state capacity in these areas. Nevertheless, eastern DRC will likely continue to face deep challenges posed structurally by the continuing role of political actors in illicit activities, corruption in the Congolese military and police, and governance systems in which patronage networks and reciprocal protection play an integral part.

In CAR, organized crime in the form of illicit mining and taxation as well as the trafficking of natural resources is linked to armed conflict as a primary source of revenue not only for armed groups, but also for CAR military personnel, Russian military instructors and Wagner Group personnel, who have been implicated in violence to gain control of artisanal gold mines and concessions. While countering the illicit trafficking of natural resources is a mandated task of MINUSCA, it is not as high a priority as the protection of civilians. MINUSCA has been granted limited executive authority to detain and arrest suspects using urgent temporary measures (UTMs). The use of UTMs by the Security Council has at times been framed in terms of supporting law and order and fighting impunity, and at other times in terms of responding to violations of international human rights and international humanitarian law (IHL). Combating organized crime does not appear to be a top priority motivation for implementation of UTMs by the host government or by MINUSCA, which acts at the express invitation of the host state. UN Police nonetheless provide capacity-building assistance and analytical support to host state authorities with regard to combating organized crime, such as through training in forensics and crime analysis. It appears that other elements of the political economy linking organized crime and illicit markets to armed conflict and governance in CAR, including patronage systems and concessionary politics, are not being addressed.

While organized crime in Mali is less prominent than in the DRC and CAR, it is also closely linked to the armed groups and insurgency. The weakness of the Malian state and the corrupt, unaccountable or largely absent governance it offers communities located in the northern areas have enabled the emergence of organized criminal groups and an informal regional economy based on the trafficking of arms, drugs, natural resources and people. In addition, Mali has very low resilience to organized crime, and certain state-embedded actors have been linked with criminal and patronage networks. Competition among state forces and non-state armed groups for control over trafficking routes is a driver of conflict and insecurity. MINUSMA's mandate recognizes the problem of organized crime and, in its latest version, prescribes capacity-building of the justice sector. UN Police in MINUSMA provide technical assistance and capacity building for the Malian police to counter organized crime. The high number of attacks on UN peacekeepers has focused the mission's attention on arms diversion and weapons trafficking. Initiatives to improve police military cooperation include sensitization of the military component to the requirements of preservation of evidence in cases of attacks on peacekeepers. However, underlying clientelism and patronage networks and the involvement of state authorities in organized crime and trafficking undermine state capacity-building. Furthermore, organized crime was not addressed at a strategic

level in the peace process, facilitating the continued involvement of political actors as well as certain national leaders in neighbouring states.

The report's analyses of the three countries indicate the absence of an integrated approach to the challenges posed by conflict and organized crime actors. Robust mandates and capacities have been used to target armed groups as conflict actors, albeit with varying degrees of success over time. Insufficient attention has been directed towards the involvement of conflict actors—armed groups but also state-embedded actors—in illicit markets that provide economic and material support for armed groups, and that feed the patronage and clientelistic systems in these settings.

One lesson that can be drawn from the three stabilization missions is the limited impact that state institution-building has had on the creation of more peaceful and better-governed societies. A second lesson is that countering organized crime has been treated as a technical task that has fallen mainly to the police component, and is implemented as building the host state's police capacity. These efforts are under-resourced. More fundamentally, capacity-building, and the emphasis on the extension of state authority, do not address the underlying reality of patronage networks in the host state's police and military institutions.

Recommendations

1. Deepen knowledge about how to approach the crime/conflict/governance nexus in state-building and peacebuilding approaches among agents most likely to drive change, especially in the UN Security Council, among special representatives of the secretary-general and political mediators.

2. Conduct a comprehensive assessment of illicit markets, organized crime and links to conflict and political actors before the establishment of a new mission.

3. Revisit assumptions about the nature of governance in fragile and conflict-affected settings and implications for mandates of peace operations.

4. Explicitly integrate a focus on organized crime into efforts to achieve a political settlement.

5. Address patronage systems and corruption in state security and justice systems and public administration more broadly.

6. Develop UN Police understanding of the links between organized crime, illicit markets and the host state's police, and broaden its capacities to inform on deeper structural reform of national police forces, including integrity, oversight and accountability dimensions.

7. Conduct frank appraisals of mission achievements and organized crime in the host state prior to entering transition and commencing drawdown.

8. Develop more comprehensive approaches to countering organized crime that coordinate across mission components and the UN system more broadly.

Abbreviations

AFISMA   African-led International Support Mission to Mali
AU   African Union
BINUCA   UN Integrated Peacebuilding Office in the Central African Republic
CAR   Central African Republic
CPC   Coalition des patriotes pour le changement (Coalition of Patriots for Change)
DDR   Disarmament, demobilization and reintegration
DDRR   Disarmament, demobilization, reintegration and repatriation
DRC   Democratic Republic of the Congo
ECOWAS   Economic Community of West African States
EPON   Effectiveness of Peace Operations Network
EU   European Union
EUCAP   EU Capacity Building Mission
EUTM   EU Training Mission
FACA   Forces armées centrafricaines (Central African Armed Forces)
FARDC   Forces Armées de la République Démocratique du Congo (Armed Forces of the Democratic Republic of the Congo)
FCAS   Fragile and conflict-affected situations
FPU   Formed Police Unit
G5S   Group of Five Sahel Joint Force
ICC   International Criminal Court
ICG   International Crisis Group
IHL   International humanitarian law
IPO   International police officer
IS   Islamic State group
JMAC   Joint Mission Analysis Centre
JOC   Joint Operations Centre
KDF   Kenya Defence Forces
MINUSCA   UN Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA   UN Multidimensional Mission in Mali
MISCA   African-led International Support Mission to the Central African Republic
MONUC   UN Organization Mission in the Democratic Republic of the Congo
MONUSCO   UN Organization Stabilization Mission in the Democratic Republic of the Congo
NSAG   Non-state armed group
PNC   Police Nationale Congolaise (Congolese National Police)
SCC   Special Criminal Court
SSR   Security sector reform
UN   United Nations
UNDP   UN Development Programme
UNODC   UN Office on Drugs and Crime
UTM   Urgent temporary measure

1. Introduction

Organized crime has become a pervasive phenomenon that affects, and has the potential to affect, a significant proportion of the global population. Recent research has found that nearly 80 per cent of the world's population lives in countries with high levels of criminality, while an overlapping nearly 80 per cent of the global population lives in countries with low resilience to organized crime.[1] The problem is particularly acute in countries experiencing armed conflict, political instability or fragility, where both conditions apply. The 10 states with the world's highest levels of organized crime and illicit markets are also fragile or conflict-affected.[2] Countries experiencing protracted armed conflict have been found to have the lowest levels of resilience to organized crime.[3] The consequences of this confluence of crime with conflict and fragility undermine vulnerable societies, economies and environments, while corroding the state through actors within it, or 'state-embedded actors', who have been found to be the dominant type of actor involved in organized crime globally.[4]

Less clear is how effectively international actors have responded to this confluence of organized crime with fragility and armed conflict. United Nations peace operations are one of the main instruments used by the Security Council to help countries to emerge from instability and armed conflict not only by maintaining peace and security, but also by facilitating the political process to achieve a peaceful settlement, protecting civilians, promoting human rights and helping to restore the rule of law and rebuild accountable, responsive and effective security and justice institutions.[5] UN peace operations have had a greater focus on organized crime over the past decade, led by the Police Division which has focused on police capacity-building. However, the impact of these efforts receives little attention or is broadly considered to be limited by the continued lack of a comprehensive UN system-wide approach.[6]

This report seeks to explore the crime–conflict nexus in greater detail and how organized crime has been addressed in areas of continuing instability and armed conflict by current UN peace operations in the Central African Republic (CAR), the Democratic Republic of the Congo (DRC) and Mali. These countries are categorized as 'fragile and conflict-affected situations' (FCAS), due to their high levels of institutional and social fragility and to the extent of violent conflict.[7] CAR and the DRC have been classified as FCAS since 2006, while Mali was added to the list in 2014.[8] These countries also exhibit significant levels of organized criminality and illicit markets. The Global Organized Crime Index currently gives the DRC the highest 'criminality score' of all the 193 UN member states, while CAR is ranked 9th and Mali 49th.[9]

The UN peace operations currently deployed in these states are 'stabilization' missions with robust mandates to use 'all necessary means', including armed force, to carry out their priority tasks. These tasks typically include stabilizing conflict zones, as well as protecting civilians and supporting the reassertion of state authority and

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[1] Global Initiative Against Transnational Organized Crime (GI-TOC), *Global Organized Crime Index, 2021* (GI-TOC: Geneva, 2021), p. 12.

[2] Global Initiative Against Transnational Organized Crime (note 1), p. 18.

[3] Global Initiative Against Transnational Organized Crime (note 1), p. 66.

[4] Global Initiative Against Transnational Organized Crime (note 1), p. 17.

[5] United Nations, Peacekeeping, 'What is peacekeeping', [n.d.].

[6] Boutellis, A. and Osland, K. M., *Preventing Organized Crime: The Need for a Context Sensitive, UN System-Wide Approach*, NUPI Report no. 7 (Norwegian Institute of International Affairs: Oslo, 2020).

[7] World Bank, 'Classification of fragile and conflict-affected situations', updated 1 July 2022.

[8] World Bank, 'List of fragile and conflict-affected situations', FY06 to FY22.

[9] Global Initiative Against Transnational Organized Crime (note 1).

legitimacy.[10] By examining the efforts of peacekeepers to address both armed conflict and criminal actions in these contexts, the report seeks to contribute to an understanding of the complex nexus between these phenomena, how stabilization operations are responding, and how policy and international interventions might become more effective at targeting that nexus.

The report first discusses two factors relevant to these contexts—armed conflict and the nature of governance—and their implications for and interaction with organized crime. Chapters 3, 4 and 5 sketch the three cases of the DRC, CAR and Mali, the role played by organized crime and illicit economies in conflict and governance and the approach taken by the respective UN stabilization missions. Space constraints and the fact that the interview data is primarily drawn from individuals currently serving or having recently served in these missions mean that these cases are presented mainly as a snapshot of recent practice rather than a detailed historical review. Chapter 6 identifies key themes, insights and lessons on how the three stabilization operations—primarily the police component—approach organized crime in their operational contexts. The concluding chapter 7 makes recommendations on policy and practice in UN stabilization operations.

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[10] United Nations, Peacekeeping, *Uniting Our Strengths for Peace: Politics, Partnership and People*, Report of the Independent High-Level Panel on Peace Operations (HIPPO), 16 June 2015, paras 114–18.

2. Armed conflict, organized crime, corruption and governance

To better understand the challenges posed by organized crime in the three host states, it is helpful to consider two factors that have fundamentally shaped the contexts in the country settings in which organized crime operates: the evolution of armed conflict and the nature of governance, including the involvement of state actors in illicit markets.

Evolution of armed conflict

Armed conflict has undergone important shifts in recent decades. The proliferation of non-state armed groups (NSAGs) and the emergence of decentralized, fragmented but internationalized insurgencies have created far more complex and intractable conflict environments that pose new challenges to efforts to negotiate peace.[11]

According to the Uppsala Conflict Data Program, the number of armed conflicts has been increasing for over a decade. By 2020 there were 56 state-based conflicts, which was the highest number since the end of World War II. Over half of the conflicts (30) were in Africa.[12] At the same time, the number of parties involved in armed conflicts has also grown, as NSAGs have proliferated. By 2018, just one-third of conflicts involved 2 parties, while 44 per cent involved 3 to 9 parties and 22 per cent involved more than 10 parties.[13] In Libya and Syria, NSAGs number in the hundreds and decentralized groups and micro-groups form fluid alliances as they fragment or merge.[14]

This trend is also seen in the countries examined below. The fragmentation of armed groups in eastern DRC over the past 25 years has resulted in a rapid increase in their number to the current level of around 120.[15] In CAR, at least 16 official armed groups were active by 2018, not including smaller splinter factions.[16] In Mali, a multitude of armed groups, both foreign and domestic, have emerged since 2013; a mapping project identified 11 main groups in 2019 while noting the lack of definitive numbers due to the extreme fluidity of the membership of these groups as members move back and forth between them.[17] In conflict-affected settings, the motives of NSAGs may be primarily political, ideological or religious, while frequently relying on illicit criminal activities and the illicit economy to fund their activities. This is addressed further below.

A further conflict trend involves Islamist extremist or Jihadist groups, which consider armed jihad a legitimate means for achieving radical political change. Conflicts involving such groups increased from 8 per cent of civil wars in 1989 to 56 per cent by 2013 and 73 per cent in 2015.[18] Conflicts involving Islamist claims have been linked to lower rates of mediation by international actors, especially when one of the conflict actors has been designated a terrorist organization.[19] Such conflicts are

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[11] McQuinn, B. and Couchesne, L., 'Armed-group proliferation: Origins and consequences', *Armed Conflict Survey*, vol. 6, no. 1 (2020), pp. 14–18.

[12] Pettersson, T. et al., 'Organized violence 1989–2020, with a special emphasis on Syria', *Journal of Peace Research*, vol. 58, no. 4 (2021), pp. 809–25.

[13] International Committee of the Red Cross (ICRC), *The Roots of Restraint in War* (ICRC: Geneva, 2018), p. 3.

[14] 'Armed-group proliferation: Origins and consequences', *Armed Conflict Survey*, vol. 6, no. 1 (2020), pp. 14–18.

[15] Kivu Security Tracker.

[16] International Peace Information Service, *Central African Republic: A Conflict Mapping* (IPIS: Antwerp, 2018), p. 15.

[17] European Council on Foreign Relations, Mapping Armed Groups in Mali and the Sahel, 'Introduction', [n.d.].

[18] Lundgren, M. and Svensson, I., 'The surprising decline of international mediation in armed conflicts', *Research and Politics*, 11 May 2020; and Nilsson, D. and Svensson, I., 'Mapping armed conflicts over Islamist claims: Exploring regional variations', *SIPRI Yearbook 2017: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2017), p. 58.

[19] Lundgren and Svensson (note 18).

also more likely to recur following an agreed ceasefire.[20] This is especially pertinent in Africa, to where numerous al-Qaeda and Islamic State group (IS) offshoots relocated from the Middle East.[21] This shift is also linked to the increase in one-sided violence. IS is the actor that has killed most civilians in one-sided violence in Africa since 1989.[22] This is most relevant to the conflict in Mali, where local branches of global jihadist groups IS and al-Qaeda have proliferated, and across the Sahel.[23] It may also be a factor in eastern DRC, where a long-established armed group, the Allied Democratic Forces, has developed links with IS.[24]

The internationalization of civil wars, in which external parties intervene militarily on one or both sides, has also increased, from 4 per cent of intrastate conflicts in 1991 to 40 per cent by 2015. Internationalized conflicts have been found to be resistant to a quick military solution, and are therefore prolonged conflicts with more lethal effects.[25] The DRC's neighbouring states, Rwanda, Uganda and Burundi, have directly intervened militarily at times, and at other times are alleged to have supported NSAGs as their proxies in eastern DRC, competing for military influence and economic control over Congolese resources.[26] Internationalization is also seen in the conflict in CAR, as Rwandan and Russian troops have deployed to assist the CAR government.[27] In Mali, France's rapid expeditionary intervention, Operation Serval, prevented jihadist and rebel forces from taking over the country in 2013, and was subsequently replaced by the French-led counterterrorist Operation Barkhane with a wider mission across the Sahel. Multiple international and regional security actors emerged alongside the UN stabilization operation.[28] In addition, Russian contractors with the Wagner Group, widely believed to be an unofficial instrument of the Russian government, provide military services in numerous African states, often in exchange for mining concessions.[29] The Wagner Group has assisted the government in CAR since 2018 and Mali's military junta since December 2021, and is involved in counter-insurgency military operations in both countries.[30]

These trends—the growing incidence, length and internationalization of armed conflict; the greater intractability of conflicts, especially those involving Jihadist groups; and the increasing number and fluidity of conflict actors—create more complex conditions for contemporary stabilization operations mandated to neutralize armed groups and re-establish stability and security in their areas of operation. The proliferation of armed groups that seek to control territory and extract resources to survive furthers criminal agendas and illicit markets, and is both a driver and a consequence of armed conflict. Direct and indirect involvement in the conflict, and some-

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[20] Nilsson, D. and Svensson, I., 'The intractability of Islamist insurgencies: Islamist rebels and the recurrence of civil war', *International Studies Quarterly*, vol. 65, no. 3 (Sep. 2021), pp. 620–32.

[21] Tharoor, I., 'Al-Qaeda and Islamic State are on the rise in Africa', *Washington Post*, 16 Aug. 2022.

[22] Pettersson et al. (note 12).

[23] Cherbib, H., 'Jihadism in the Sahel: Exploiting local disorders', *IEMED Mediterranean Yearbook 2018* (European Institute of the Mediterranean: Barcelona, 2018).

[24] Thompson, J., 'Examining extremism: Allied democratic forces', CSIS Blog Post, 29 July 2021.

[25] Von Einsiedel, S. et al., 'Civil war trends and the changing nature of armed conflict', *Occasional Paper* no. 10 (United Nations University Centre for Policy Research: New York, Mar. 2017); and Strand, H. et al., 'Trends in armed conflict, 1946–2018', *Conflict Trends*, no. 3 (Peace Research Institute Oslo: Oslo, 2019).

[26] Parens, R., 'Conflict in eastern Congo : A spark away from a regional conflagration', Foreign Policy Research Institute, 8 Sep. 2022; Levine-Spound, D., 'Ugandan and Congolese troops are conducting joint operations: What could that mean for MONUSCO?', *IPI Global Observatory*, 21 Dec. 2021; and Gras, R., 'Rwanda and Burundi led military operations in eastern DRC says UN', The Africa Report, 5 Jan. 2021.

[27] '"Russia, Rwanda sent troops" to Central African Republic', Al Jazeera, 21 Dec. 2020.

[28] Wilen, N., 'A logic of its own: The external presence in the Sahel', Elcano Royal Institute, 24 Nov. 2020.

[29] Walsh, D., 'Putin's shadow soldiers: How the Wagner Group is expanding in Africa', *New York Times*, 31 May 2022.

[30] Armed Conflict Location and Event Data Project (ACLED), 'Wagner group operations in Africa: Civilian targeting trends in the Central African Republic and Mali', 30 Aug. 2022.

times in illicit markets, by neighbouring states and other foreign actors adds a further dimension of complexity to discussions about 'regional' and 'international' approaches to countering transnational organized crime.

Governance

At the same time as armed conflict has been undergoing important shifts, understanding of how governance functions in conflict-affected settings has deepened. It is now widely acknowledged that governance is hybrid and multi-layered in many developing contexts.[31] Informal, traditional or customary non-state authorities might be key providers of order, security, justice and basic services. In some conflict-affected areas, basic services, order and governance more generally might be provided by armed groups.[32] While all these non-state actors contain their own biases and patterns of inclusion and exclusion, they can also contest, coexist or cooperate with central state authorities.[33] This contrasts with the system of governance in many developed states in the global North, which reflects a model based on the Weberian notion of the rational–legal authority of the state, with its monopoly on the legitimate use of force, and formal arrangements and institutions for maintaining order, providing security and justice, and regulating the political, economic and social spheres. External interventions in fragile and conflict-affected settings that focus on advancing security sector reform (SSR) based on this model have often faced unexpected domestic resistance or only selective or symbolic uptake, resulting in hybrid forms of security governance.[34]

Efforts to better understand why governance systems in many developing states do not conform to the patterns in developed states have resulted in the elaboration of various concepts and analytical frameworks. Jean-Francois Bayart advanced two key concepts based on a historical sociological approach to capture the functioning of post-colonial African states, specifically the intertwining of the public and the private.[35] The 'politics of the belly' (*la politique du ventre*) describes the drive to seize material benefits for self and clients when in a position of power. The struggle for and exercise of political power are linked to private aims, and rulers straddle both the political and the economic spheres, using one to advance their interests in the other. However these resources do not just serve the individual who uses power to accumulate them, but are often redistributed to clients and to advance the interests of the broader network or constituency of that power-holder, creating a complex interplay between the political and private spheres. Bayart's second concept of the 'rhizome state' (*l'état rhizome*) underscores that, unlike Western conceptions of distinct and separate structures of the political sphere—the private sphere, state and civil society, politics and the market—in African contexts there are so many interconnections and networks between these spheres that they cannot be considered separate and distinct. One challenge is to understand these complex, often hidden networks of power, influence and resources.[36]

[31] Boege, V. et al., 'Hybrid political orders, not fragile states', *Peace Review*, vol. 21, no. 1 (2009), pp. 13–21, p. 17.

[32] Arjona, A., *Rebelocracy: Social Order in the Colombian Civil War* (Cambridge University Press: Cambridge, 2016); and Mampilly, Z., *Rebel Rulers: Insurgent Governance and Civilian Life during War* (Cornell University Press: New York, 2011).

[33] Bagayoko, N., Hutchfuland, E. and Luckham, R., 'Hybrid security governance in Africa: Rethinking the foundations of security, justice and legitimate public authority', *Conflict, Security and Development*, vol. 16, no. 1 (2016), pp. 1–32.

[34] Schroeder, U. C., Chappuis, F. and Kocak, D., 'Security Sector Reform and the emergence of Hybrid Security Governance', *International Peacekeeping*, vol. 21, no. 2, (2014), pp. 214–30.

[35] Bayart, J-F., *The State in Africa: The Politics of the Belly* (Longman Publishing: London and New York, 1993).

[36] Ganahl, J. P., *Corruption, 'Good Governance', and the African State: A Critical Analysis of the Political-economic Foundations of Corruption in sub-Saharan Africa*, Potsdam Economic Studies no. 2 (Potsdam University Press: Potsdam, 2013), pp. 137–41.

Similarly, the concept of 'big man' rule and the importance of informal political and economic networks in post-conflict and conflict-affected African contexts have been examined in a collection edited by Mats Utas. This focus on the big man concept highlights the efforts of actors to use their positions in formal state structures as a means to advance informal goals.[37] These figures in neo-patrimonial governance regimes maintain the loyalty of their followers by using their positions and public resources to support members of their informal networks. The 'big man' concept captures the reciprocal exchange of resources for authority.

Alex de Waal has developed the idea of a 'political marketplace', and has sought to understand how power works in such systems, paying particular attention to the political economy of violence.[38] According to de Waal, the political marketplace is 'a system of governance run on the basis of personal transactions in which political services and allegiances are exchanged for material reward in a competitive manner'.[39] A ruler obtains the support of members of the political elite using money or access to resources, and the elite exerts pressure on the ruler through its ability to mobilize voters, crowds or violence. Violence is a key currency of that marketplace, which is used to apply pressure or make a claim to a better stake in the bargaining for allegiance and resources.[40] Another relevant characteristic of the political marketplace is that it is related to systemic corruption, but differs to the extent that most political spending entails either legal funds or illicit finance fed into patronage systems.[41] The political marketplace involves political entrepreneurs who leverage organs of public authority for power rather than pure economic gain. Resources are often used to maintain their patronage networks, although also possibly to accumulate private wealth.[42]

Adam Day directly highlights the relevance of these attempts to capture the nature of governance in conflict-affected settings to international stabilization, peacekeeping and peacebuilding efforts. Describing how the 'complex systems of governance in places with highly informal networks of actors stretching across private, public, and traditional spheres evolve in ways that contradict the assumptions of Western liberal ideology', Day proposes the use of ecosystems thinking and complexity theory to focus on the relationships between such actors and the resulting systems.[43] Day argues that the implicit assumption of peacekeeping missions today is that building state capacity and extending state authority to outlying regions will achieve the state's monopoly on governance. However, this misunderstands the nature of governance on the ground in such areas, where people rely not on the central state but on a web of other actors comprising traditional authorities, armed groups, business leaders, politicians and fellow citizens for basic services and legitimate governance. These entrenched patterns of governance are highly resilient to efforts to strengthen state legitimacy and authority, and to the assumptions of linear change that underpin international interventions, resulting in a pattern of failed state-building efforts across conflict-affected contexts.[44]

This overview underscores the distinct characteristics of governance systems in developing, fragile and conflict-affected settings. International interventions based on the assumption that politics and governance function on the basis of the Weberian state and state–society relations found in the global North are built on shaky

[37] Utas, M. (ed.), *African Conflicts and Informal Power: Big Men and Networks* (Zed Books: London, 2012).

[38] de Waal, A., 'Introduction to the political marketplace for policymakers', *JSRP Policy Brief*, no. 1 (London School of Economics and Political Science: London, Mar. 2016), p. 1.

[39] de Waal (note 38), p. 1.

[40] de Waal (note 38), p. 3.

[41] de Waal (note 38), pp. 4–5.

[42] de Waal (note 38), p. 6.

[43] Day, A., *States of Disorder: Ecosystems of Governance* (Oxford University Press: Oxford, 2022), pp. v–vi.

[44] Day (note 43), pp. 1–4.

foundations. As these and other area experts suggest, while superficially resembling developed states of the global North with similar formal institutional structures, politics and governance often differ substantially in fragile and conflict-affected contexts characterized by a hybrid nature of governance that mixes 'democratic forms and institutions and clientelistic politics'.[45] Governance in such settings is the product of the system of relationships, formal and informal, sometimes collaborative and sometimes competitive. The complex, hybrid nature of governance challenges binary assumptions about state actors and non-state actors, and about the public and private spheres. The governance models outlined above also underscore the dangers of unfounded assumptions when planning and implementing interventions in fragile and conflict-affected contexts.

Organized crime

There is as yet no universally agreed definition of organized crime, which can take many evolving forms in specific contexts. Here, organized crime is understood as illegal activities conducted by a group (of three or more individuals) or network acting in concert with the objective of gaining financial or material benefit. Organized crime is often linked to the corruption of public officials to enable, facilitate or protect organized criminal acts, and may involve the use of intimidation, extortion, threats or violence. It also often extends beyond national borders.[46]

One definition of organized crime emphasizes the presence of various preconditions: the involvement of an 'organized criminal group'; the objective of obtaining a financial or material benefit, as opposed to a primarily political objective; and the occurrence of a 'serious offence'.[47] A serious offence is defined in the UN Convention against Transnational Organized Crime as an offence punishable by a maximum penalty of incarceration for at least four years.[48] In the stabilization settings examined below, common examples involve illicit extraction of or trade in natural resources, including non-renewable resources. These might be charcoal, oil, natural gas, minerals and precious metals, or even gold, diamonds, cobalt, coltan, tantalum, tungsten and tin, but also lumber or wildlife. Other examples might be trafficking in illicit goods, such as arms or drugs, and human trafficking.

In addition, certain activities that are not generally classified as a 'serious offence' could arguably be considered a manifestation of organized crime. For example, research has shown how in areas such as Central Africa—where the vast majority of people rely on the primary sector activities of farming, herding, fishing, artisanal mining or poaching, and the movement of locally produced or extracted goods to markets; and where manufactured goods are brought in from elsewhere—informal 'taxation' at roadblock checkpoints and ports is pervasive and systemic.[49] Illicit roadblocks are used as a means of extorting income by armed groups and state security forces, as well as by local communities in some contexts, and are often backed by a threat to use force. The ubiquity of roadblocks across fragile and conflict-affected settings reflects the

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[45] Ganahl (note 36), p. 156.

[46] Definition adapted from the United Nations Convention against Transnational Organized Crime, General Assembly Resolution 55/25 of 15 Nov. 2000; Global Initiative Against Transnational Organized Crime (note 1), p. 143; and UN Office on Drugs and Crime, 'Defining organized crime', E4J University Module Series: Organized Crime, [n.d.].

[47] Global Initiative Against Transnational Organized Crime (note 1), Appendix 2, p. 143.

[48] United Nations Convention against Transnational Organized Crime, 2000, article 2b.

[49] Schouten, P., *Roadblock Politics: The Origins of Violence in Central Africa* (Cambridge University Press: Cambridge, 2022), pp. 257–58.

'radically fractured and contested nature of public authority' across the region, and is linked to the region's conflict economies.[50]

The increase in armed conflict and the proliferation of NSAGs—rebel or insurgent groups, militias and criminal groups—in conflict zones has occurred at the same time as globalization. Accelerated movements of people, goods and capital around the world have driven the expansion of organized crime.[51] At the same time, armed conflict is recognized as a driver of organized crime and illicit markets, blurring the line between criminal actors and conflict actors, and a factor that further reinforces and entrenches armed conflict.[52] Many armed groups rely on organized crime and illicit markets to survive. Organized environmental crime, which encompasses illegal trade in wildlife, forestry products and fisheries, as well as illegal mining, provides the largest source of income, or 38 per cent of the financing for the largest NSAGs and terrorist organizations involved in armed conflicts around the world.[53] Furthermore, a growing proportion of people globally are involved in illicit economies, strengthening the political capital of non-state armed actors at the expense of the state.[54]

Researchers have linked the means by which armed groups sustain themselves with their behaviour as conflict actors and towards civilian populations. Jeremy Weinstein contends that NSAGs active in resource-rich settings, and those that rely on income from criminal activity or external patronage, tend to attract 'low commitment' members compared to groups formed on the basis of social resources or shared beliefs within ethnic, religious, cultural or ideological groups. The nature and extent of the reliance of these groups on illicit activity can affect political and conflict behaviour. NSAGs that rely on extracting local natural resources rather than cultivating supportive social and ethnic networks from local populations have been found to recruit soldiers on the basis of short-term material incentives, to be prone to more indiscipline among the ranks, and to be more indiscriminate in their use of violence and their abuses against civilian populations.[55]

The distinction between armed conflict and organized crime can become blurred in conflict-affected contexts. This is commonly referred to as the 'crime–conflict nexus'. When significant actors, be they states, rebel groups, insurgents or 'terrorists', their proxies and sponsors, are motivated to engage in violence and armed conflict primarily by the prospect of financial or material gain, organized crime and criminal governance become essential analytical lenses.[56]

Conversely, organized crime groups might adopt the methods of NSAGs, such as the use of 'indiscriminate violence and large-scale public intimidation to further criminal objectives or fulfil special operational aims'.[57] For example, among the common tactics used by organized crime groups in Mexico against rival groups and the government are bombings, violent 'messaging' such as the decapitation of rivals and attacks on

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[50] Schouten (note 49), pp. 264–65.

[51] Global Initiative Against Transnational Organized Crime (GI-TOC), *The Global Illicit Economy: Trajectories of Transnational Organized Crime* (GI-TOC: Geneva, 2021), p. 27.

[52] Global Initiative Against Transnational Organized Crime (note 51), p. 41.

[53] Nellemann, C. et al. (eds), *World Atlas of Illicit Flows: A RHIPTO-INTERPOL-GI Assessment* (Interpol, Norwegian Centre for Global Analyses and the Global Initiative Against Transnational Organized Crime: Lyon, 2018), p. 15.

[54] Felbab-Brown, V., *Shooting Up: Counterinsurgency and the War on Drugs* (Brookings Institution Press: Washington, DC, 2009).

[55] Weinstein, J. M., *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge University Press: Cambridge, 2006).

[56] de Boer, J. and Bosetti, L., 'The crime–conflict "nexus": State of the evidence', United Nations University Centre for Policy Research, Occasional Paper no. 5 (July 2015), p. 7.

[57] UN Office on Drugs and Crime, 'Similarities and differences between organized crime and other forms of crime', E4J University Module Series: Organized Crime, [n.d.].

politicians that are not generally politically motivated but aim to dissuade government decision makers from interfering in their criminal activities.[58]

Nonetheless, considerable ambiguity and complexity exist in the relationship between organized crime and conflict. An NSAG that rejects the legitimacy and authority of the state might impose taxes on local trade as an emergent political competitor to the state. In other words, what may be seen as organized crime from a state perspective could constitute a competitive and legitimate governance function from the perspective of the NSAG and its supporters.[59]

Actors in armed conflict—state actors and members of NSAGs—may have mixed political/criminal motives and strategies that vary over time.[60] In some contexts the nexus can take the form of a shift in motivation, whereby material profits take precedence for certain NSAGs that were originally driven by political objectives, or where organized criminal groups seek to assert political control.[61]

Furthermore, a crime–conflict nexus or convergence can occur where organized crime and NSAGs interact or cooperate to varying degrees. Kenya Defence Forces (KDF) fighting Islamic militants in Somalia were accused of involvement in sugar and charcoal smuggling through illegal trade networks that involved and benefited local administrators, the KDF and al-Shabab militants.[62] The blurring of political and criminal violence creates challenges at the conceptual level but also for policy and practical responses.

State-embedded actors and organized crime

The Global Organized Crime Index documents that 'state-embedded' actors, or those working within the state, have been found to be the most dominant perpetrators of organized crime.[63] Moreover, Central Africa is the region in which actors embedded within the state are most likely to be involved in organized crime, notably the DRC and CAR.[64] West Africa, including Mali, has less involvement by state-embedded actors, ranking fifth among global regions. The findings in the Index on state-based actors are striking, and underscore the difference between popular perceptions of organized crime and its perpetrators in various settings. The Index also finds that resilience to organized crime is associated with the strength or weakness of state-embedded actors in organized crime: 'countries in which state-embedded actors are less prominent are far more likely to have greater resilience to organized crime'.[65] Furthermore, the Index finds a high correlation between state-embedded actors and non-renewable resource crimes. This correlation is explainable in part by the high level of state ownership of oil companies and mining concerns involving precious metals, and often weak or absent independent oversight of the non-renewable resource sector.[66]

[58] Phillips, B. J., 'Terrorist tactics by criminal organizations: The Mexico case in context', *Perspectives on Terrorism*, vol. 12, no. 1 (Feb. 2018), pp. 45–63.

[59] I would like to thank Fairlie Chappuis for this insight.

[60] Cockayne, J., 'Chasing shadows: Strategic responses to organised crime in conflict-affected situations', *RUSI Journal*, vol. 158, no. 2 (Apr./May 2013), pp. 10–24.

[61] UN Office on Drugs and Crime, 'Linkages between organized crime and terrorism', E4J University Module Series: Organized Crime, [n.d.]; and Sheridan, M. B., 'Mexico's deadly elections: Crime groups target candidates in a fight for turf', *Washington Post*, 2 June 2021.

[62] Kron, J., 'Report ties Kenyan army to militants' smuggling', *New York Times*, 12 Nov. 2015; and Journalists for Justice, *Black and White: Kenya's Criminal Racket in Somalia* (Journalists for Justice: Nairobi, Nov. 2015).

[63] Global Initiative Against Transnational Organized Crime (note 1), p. 17.

[64] Global Initiative Against Transnational Organized Crime (note 1).

[65] Global Initiative Against Transnational Organized Crime (note 1), p. 111.

[66] Global Initiative Against Transnational Organized Crime (note 1), p. 114.

State officials, political actors and security personnel are often closely linked to organized crime, which not only enables organized crime to become dominant in fragile contexts, but also makes it extremely difficult to counter by virtue of their role in policymaking and implementation. While early research on organized crime tended to delineate 'underworld' organized crime from 'white collar crime' involving business and government actors, it is now acknowledged that the boundaries between politics and crime can be blurred and, in the most extreme cases, entire sectors of the state 'might not just collude with organized crime but act in ways similar to organized crime groups'.[67] The collusion of governmental/state actors and the misuse of state authority and infrastructure for financial gain or to pursue personal political power are overlooked but essential elements in understanding the nexus of organized crime and political violence in various contexts.[68] A singular example among industrialized states is contemporary Russia, where close links between the state security infrastructure and organized crime in the immediate post-Soviet era evolved into a kleptocratic mafia state that fused the Kremlin, oligarchs and organized criminal groups.[69] Among developing, fragile and conflict-affected states, as discussed above, the involvement of state actors in organized crime can form part of a wider neo-patrimonial governance system built on clientelistic relationships and patronage networks.

The analytical and operational challenges posed by organized crime in areas where armed conflict persists are particularly difficult. The continued practice of categorizing actors in distinct boxes such as organized crime, terrorist or rebel groups belies the messy reality that actors have multiple agendas and strategies, and that 'organized crime may be best understood as a strategy adopted by a range of conflict actors (including the state) to achieve their objectives'.[70]

The above discussion underscores how organized crime can interact with complex governance systems to exacerbate and entrench armed conflicts in fragile settings. Treating organized crime or organized criminal groups as somehow separate from these wider contextual factors does not reflect the realities on the ground. It is also unlikely to result in successful interventions.

In the light of the above discussion on the evolution of armed conflict, the nature of governance and organized crime, combating organized crime in fragile and conflict-affected settings faces significant challenges. Organized crime can exacerbate armed conflict by providing NSAGs with access to the materiel, financing and, in some contexts, local acceptance or legitimacy that enable such groups to continue fighting. The role of state-embedded actors has received less attention, but they play a dominant role globally and are linked to the weakening of resilience in societies to organized crime. The literature suggests that organized crime in fragile and conflict-affected settings is often linked to de facto governance systems through the existence of political marketplaces, in which people rely on criminal activities and patronage networks to get by while the political entrepreneurs at the top of those networks leverage the formal and informal economy to accumulate power and allegiances. Stabilization efforts are undermined by organized crime and by the hybrid governance systems that might involve non-state actors and activities in the illicit economy. These governance ecosystems and political economies of violence are highly complex, link centre to per-

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[67] Schmid, A. P., *Revisiting the Relationship between International Terrorism and Transnational Organised Crime 22 Years Later* (International Centre for Counter-Terrorism: The Hague, Aug. 2018), p. 10.

[68] Schmid (note 67), p. 23.

[69] Galeotti, M., 'Gangster's paradise: How organised crime took over Russia', *The Guardian,* 23 Mar. 2018.

[70] de Boer, J. and Bosetti, L., 'Examining the interactions between conflict and organized crime', Our World blog, United Nations University, 18 Sep. 2015.

iphery and state to non-state, and are highly resilient to disruption by either local or external actors.

The next three chapters briefly summarize the current understanding of organized crime and its relation to armed conflict in the DRC, CAR and Mali respectively. These states share several common factors: (*a*) persistent outbreaks of armed conflict in which some NSAGs and state-embedded actors are motivated by economic gain; (*b*) high or extremely high levels of organized crime and corruption; and (*c*) hybrid and multi-layered systems of governance which include both formal state institutions and informal networks of power and patronage. The states are locations where complex factors in the form of rebel insurgencies, armed conflict, multi-layered governance systems, organized crime and illicit economies, as well as international political and economic interests and rivalries all intertwine. The populations in affected areas experience various types of insecurity, armed conflict, predatory security forces, both state and non-state, a lack of livelihoods and exclusion.

3. Armed conflict, organized crime and stabilization in the Democratic Republic of the Congo

Conflict, governance and organized crime

Despite a peace agreement signed in 2002 and two decades of peacekeeping and state-building by successive UN peace operations, the Democratic Republic of the Congo has seen the proliferation of NSAGs, continued armed conflict and record high levels of forced displacement—5.6 million internally—resulting in what is today the largest displacement crisis in Africa.[71] The DRC is classified as having the world's highest level of organized criminality according to a global index of countries. Based on the presence of organized crime markets and actors, the DRC was given a criminality score of 7.75 on a 10-point scale.[72]

The DRC has a wealth of non-renewable resources and is affected by illicit exploitation of and international trade in gold, diamonds and the 'conflict minerals' tin, tungsten and tantalum. Environment-related crime occurs through illicit trade in timber and ivory (and other animal products), as well as illegal and unregulated fishing. The Global Organized Crime Index identifies the DRC's largest illicit markets as arms trafficking and non-renewable resource crimes, followed closely by flora and fauna crimes and, to a lesser extent, human trafficking, primarily internally for forced prostitution or the recruitment of children into armed groups, and the cannabis trade.[73] Despite an arms embargo in place since 2003, armed groups continue to procure weapons, sometimes in complicity with the Armed Forces of the DRC (*Forces Armées de la République Démocratique du Congo*, FARDC). A UN report identifies diversion from national stockpiles as the 'main source of supply for armed groups'.[74]

The DRC is also ranked near the bottom in the Global Organized Crime Index on resilience to organized crime, with a score of 2.29 out of 10.[75] The DRC has a high presence of all types of criminal actors, from mafia-style groups to criminal networks, state-embedded actors and foreign criminal actors.[76] It has nearly the lowest rankings on political leadership and governance, government transparency and accountability, law enforcement and economic regulatory capacity. Despite the country's wealth of natural resources, the UN Development Programme (UNDP) Human Development Index, which measures levels of development as a composite of life expectancy, education and per capita income, lists the DRC in its lowest tier, ranked 175 of 189 countries.[77]

Fragmentation has substantially increased the number of armed groups since 2008, when no more than 20 were identified in the Kivus region of eastern DRC.[78] By 2019

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[71] United Nations High Commissioner for Refugees (UNHCR), 'UNHCR gravely concerned by death toll of displaced in DR Congo's east', 22 July 2022.

[72] Global Organized Crime Index, 'Congo, Dem. Rep.', [n.d.], accessed 12 June 2022.

[73] Global Organized Crime Index (note 72).

[74] UN Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2020/482, 2 June 2020, para. 148.

[75] Global Organized Crime Index (note 72).

[76] Global Organized Crime Index (note 72).

[77] United Nations Development Programme, Human Development Index, Statistical Annex 2020, Table 1, 'The Human Development Index and its components'.

[78] Stearns, J. K. and Vogel, C., *The Landscape of Armed Groups in Eastern Congo* (Congo Research Group, Center on International Cooperation: New York, Dec. 2015), p. 7.

the number had peaked at about 130 in North and South Kivu alone.[79] This decreased to 120 across the entire eastern DRC in 2020, which comprises North Kivu, South Kivu, Ituri and Tanganyika, and appears to have stabilized at that high level.[80] Area experts note that the conflict is marked by continuing fragmentation and inertia, and that 'much of the violence is driven by the need of armed groups, most of whom have existed in their current or previous incarnations for many years, to survive by extracting resources and fighting for their turf'.[81] An independent group of experts noted in 2015 that 'the protracted conflict cycle and insecurity in eastern DRC appears increasingly dominated by economic interests rather than predominantly political motivations'.[82]

Non-state armed groups present in eastern DRC are implicated in illicit natural resource exploitation, trade and taxation, working alongside criminal networks involved in the trade.[83] Similarly, members of the Congolese military and the national police (*Police Nationale Congolaise*, PNC), have also been implicated in illegal gold mining, including at some of the same mines where armed group members are digging for gold.[84] The 2022 Final Report of the UN Group of Experts documents battalions under the command of one FARDC colonel receiving 30–50 per cent of the gold mined by artisanal miners in one particular mining concession.[85] The same report describes other FARDC members involved in coltan taxation and trading, and tourmaline extraction, as well as the trafficking of coltan and tourmaline from those mines by criminal networks of traders and its entry into legal supply chains or being smuggled out of the country.[86] The report describes taxation imposed on civilians transporting goods to a mining site that generated over US$1000 per day for FARDC members. Furthermore, the control over some mines exercised by FARDC members was described as operating 'under the protection of powerful business and political interests'.[87]

In a 2020 report, the UN Group of Experts found arms trafficking and diversion in violation of the arms embargo through the continuing transfer of weapons and ammunition from certain FARDC officers to factions of the armed group Nuduma défense du Congo-Rénové ongoing since 2018.[88] In Ituri, FARDC members were found to be involved in illegal taxation and ownership of gold mines, and in providing off-budget security to semi-industrial gold mining companies where gold production 'disappeared' without being formally exported.[89] In South Kivu the Group of Experts described the financing of the Mai-Mai Kakutumba armed group through trading in gold, and how FARDC truck drivers were paid for the routine shipment of gold from artisanal mines to Bukavu to reduce the risk of armed robbery on the road.[90]

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[79] Kivu Security Tracker and Congo Research Group, Center on International Cooperation, *The Landscape of Armed Groups in Eastern Congo: Missed Opportunities, Protracted Insecurity and Self-fulfilling Prophecies* (Human Rights Watch and Congo Research Group, Center on International Cooperation: New York, Feb. 2021), p. 3.

[80] Kivu Security Tracker et al. (note 79), pp. 3, 19–43.

[81] Kivu Security Tracker et al. (note 79), p. 8.

[82] United Nations Environment Programme, MONUSCO and UN Special Envoy of the Secretary-General for the Great Lakes Region, 'Experts' background report on illegal exploitation and trade in natural resources benefitting organized criminal groups and recommendations on MONUSCO's role in fostering stability and peace in eastern DR Congo', Final report, 15 Apr. 2015, para. 127(a), p. 33.

[83] See e.g. UN Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, S/2022/479, 14 June 2022, paras 171–73.

[84] UN Security Council, S/2022/479 (note 83), Annex 64.

[85] UN Security Council, S/2022/479 (note 83), paras 122–23.

[86] UN Security Council, S/2022/479 (note 83), paras 75–76 and Annex 41.

[87] UN Security Council, S/2022/479 (note 83), Annex 71.

[88] UN Security Council, 'Midterm report of the Group of Experts on the Democratic Republic of the Congo', S/2020/1283, 23 Dec. 2020, paras 32–34. See also Olukya, G., 'UN concerned rebels in eastern Dem Rep. of Congo getting arms from army', Anadolu Agency, 22 Sep. 2021.

[89] UN Security Council, S/2020/1283 (note 88), paras 56–57.

[90] UN Security Council, S/2020/1283 (note 88), paras 70–72.

In cities, urban crime gangs have proliferated and are similarly linked to state security actors and political actors in criminal networks that trade in non-renewable resources and in their export. In the capital, Kinshasa, and elsewhere police personnel have been implicated along with local political parties and politicians in facilitating the activities of youth gangs. Politicians have hired gangs to intimidate rivals, disrupt public gatherings and provide protection to politicians.[91] Congolese police and military have been found to be involved in clientelistic networks with youth gangs, and to have been paid to turn a blind eye to the activities of criminal gangs, including armed robbery and violent assault, while some security officers are more actively involved through the provision of weapons, information or protection to youth gangs, or the resale of goods stolen by youth gangs.[92]

An important characteristic of the Congolese state that is relevant to the phenomenon of organized crime is the existence of informal networks of power and patronage that shape decisions on the allocation of state resources, rather than formal institutions of the state.[93] In the armed forces, 'protectors' fulfil an 'umbrella' (*parapluie*) function, helping to secure promotions and lucrative deployments in exchange for kickback payments to superior officers (*rapportage*), loyalty, support and the provision of certain services.[94] Adam Day has described this as a system that provides protection, extraction and capillary-like circulation of revenues from the periphery to the centre, and then out again through patronage networks involving state actors and agents, brokers, middlemen, armed groups and traders. State security personnel, who are frequently unpaid or underpaid, are obliged to compensate their patrons for the privilege of holding their positions by extracting rents from local populations and funnelling money up the chain of command and to the centre. These rents are then in part redistributed to maintain networks of patronage.[95] Similarly, a relationship of 'reciprocal protection' has emerged, involving some armed groups which 'competed to protect communities and associated natural resources, while also competing to receive (military) protection from the state'.[96] By developing partnerships with the FARDC, armed groups can traffic natural resources across the border to Rwanda or Uganda, and in turn give resources to the Congolese military to provide revenue for the chain of command.[97]

In the Congo River Basin, deforestation and illegal logging have been driven by ongoing armed conflict, population displacement and a lack of alternative livelihoods.[98] Armed groups are heavily involved, using the proceeds to support their members and engage in the insurgency. The lack of any government presence and legitimacy, and of development and livelihood opportunities for the local population, however, means that the non-state actors that control the territory, natural resource extraction and trade often gain legitimacy in the eyes of the local population, making them key governance actors.[99]

[91] Lagrange, M. A. and Vircoulon, T., *Criminals or Vigilantes: The Kuluna Gangs of the Democratic Republic of Congo* (Global Initiative Against Transnational Organized Crime: Geneva, May 2021), pp. 7–8.

[92] Lagrange and Vircoulon (note 91), p. 9.

[93] Stearns, J. K., *The War That Doesn't Say Its Name: The Unending Conflict in the Congo* (Princeton University Press: Princeton, NJ, 2021), p. 99.

[94] Stearns (note 93), p. 101.

[95] Day (note 43), pp. 91–94.

[96] Day (note 43), p. 93.

[97] Day (note 43), p. 93.

[98] Abdenur, A. E. and Day, A. 'Why illegal deforestation should be treated as a security issue', United Nations University, Centre for Policy Research, 30 Nov. 2021.

[99] Hoffmann, K. and Vlassenroot, K., 'Armed groups and the exercise of public authority: The cases of the Mayi-Mayi and Raya Mutomboki in Kalehe, South Kivu', *Peacebuilding*, vol. 2, no. 2 (2014).

Exploitation of the DRC's vast natural resources by state and non-state actors, within the DRC as well as in the neighbouring states of Rwanda, Uganda, Burundi and South Sudan, either directly or through local proxies, has long been intertwined with conflict in the DRC. The UN Group of Experts has recently reported that the DRC gold sector is 'vulnerable to exploitation by armed groups and criminal networks and to unregulated trading'.[100] Significant volumes of smuggled gold contrast with the official figures on the low value of legally traded gold. One study estimates that 95–98 per cent of artisanal and small-scale gold mining production in eastern DRC is concealed or smuggled out of the country.[101] Armed groups and criminal networks smuggle gold into and through Burundi, Rwanda, Tanzania, Uganda and the United Arab Emirates. Gold smuggling networks are well-established and resilient, and there is little chance of any consequences for known smugglers. In addition to the impunity the smugglers enjoy in the DRC, there is the continued failure of neighbouring states to enact due diligence checks on the import and transit of illegal gold.[102] The transnational dimension of gold smuggling and other forms of organized crime underscores the need for multilateral responses at the regional and international levels.

MONUSCO

The UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) took over from its predecessor mission the UN Organization Mission in the Democratic Republic of the Congo (MONUC) on 1 July 2010. MONUSCO is authorized to use 'all necessary means' to achieve its mandate, which has included the protection of civilians and providing support to the government of the DRC with stabilization and efforts to consolidate peace.[103] The mission leadership was initially influenced by a counterinsurgency approach of 'shape, clear, hold, build' and sought to build 'islands of stability' in a region perceived to be filled with 'ungoverned spaces', wherein state authority could be extended in eastern DRC.[104] In 2013 a revised stabilization strategy was put in place, in recognition that the earlier approach had failed to stabilize the eastern part of the country or reduce armed conflict. This revised strategy sought to address conflict dynamics in the specific contexts emerging from security dilemmas, land and identity issues, the exploitation of natural resources and regional dynamics. As part of an integrated approach, it identified five core pillars: democratic dialogue, security, restoring state authority, return, reintegration and socio-economic recovery, and combating sexual violence.[105] The UN focused on targeted interventions in priority zones with the state as its main interlocutor, assisting the state ostensibly to reduce the influence of armed groups in order to stabilize the area, and extending and strengthening the state's presence and authority in eastern Congo by building its capacity to deliver basic services to the local population.

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[100] United Nations, Security Council, S/220/482 (note 74).

[101] USAID, 'Analyse de marché: l'or de l'exploitation artisanale et a petite échelle (EMAPE) de l'est de la RDC' [Market analysis: Artisanal and small-scale gold mining in eastern DRC], [n.d.].

[102] IMPACT, *The Intermediaries: Traders Who Threaten the Democratic Republic of Congo's Efforts for Conflict-free Gold* (IMPACT: Ottawa, 2020).

[103] MONUSCO, Fact Sheet, [n.d.].

[104] Day, A., Comments during 'Assessing UN statebuilding in South Sudan, DRC, and beyond', Brookings online event, 25 July 2022; and Day (note 43), p. 108.

[105] MONUSCO, Stabilization Support Unit, 'Stratégie internationale de soutien a la sécurité et la stabilisation pour l'est de la RDC: ISSSS. En appui au Programme gouvernemental de stabilisation et de reconstruction des zones sortant des conflits armés STAREC, 2013-2017' [International Security and Stabilization Support Strategy for eastern DRC: ISSSS. In support of the government programme for the stabilization and reconstruction of areas emerging from armed conflict, STAREC, 2013–2017].

MONUSCO's approach came to focus primarily on using military force to clear areas of armed groups. The UN approach did not alter the underlying governance system in which powerful political actors at the centre were able to channel resources from state officials, armed groups and businesspeople, while consolidating their authority in the outlying areas. In addition, local actors continued to survive through patronage networks, trading in natural resources and relying on armed groups. UN stabilization resources were absorbed by and reinforced this system rather than disassembling it; and failed to transform the security and governance systems governed by informal networks of power.[106]

Judged by the UN's own objectives of stabilization and extending state authority, these efforts have largely failed. Throughout the course of the stabilization mission's presence in the DRC, there has been little increase in the ability of the central state to control or govern the eastern region. Rather, there has been a steady increase in armed groups as young men have few livelihood options, disarmament, demobilization and reintegration (DDR) has foundered and armed groups have splintered.[107]

Worsening armed conflict and mounting civilian casualties led to the imposition of a 'state of siege' or state of emergency by President Félix Tshisekedi in North Kivu and Ituri on 30 April 2021. Announced without prior consultation with MONUSCO, the state of siege replaced the civil administrative authorities with the military and the police, and provided the military with special powers to prohibit publications and public gatherings.[108] These special powers have crushed dissent in an effort to silence criticism of the state and of the armed forces by parliamentarians, journalists and civil society, and have resulted in the arbitrary detention of human rights activists.[109] Under the state of siege, the military courts used to prosecute criminal cases against civilians lack sufficient capacity to deal with the caseload, leading to high numbers of people held in pre-trial detention. Rather than containing and reducing armed conflict, the number of civilians killed by armed groups in the first year of the state of siege doubled compared to the previous year.[110]

Corruption and the related *parapluie* system in the Congolese security services is a core problem. The military and police are often underpaid or unpaid, as part of a system of patronage relations in which they protect their positions in state institutions in exchange for payments. As one interview respondent who had encountered several Congolese police officers who had not been paid in four years noted: 'As long as they don't get paid, they will take money from other sources.'[111] Police and military personnel are often embedded in the 'system of extraction', imposing fees on and extracting bribes from those they encounter in the course of their duties to provide income for themselves and to pay into the patronage system.[112] As discussed above, police and military personnel are also involved in natural resource extraction networks in the eastern provinces to help meet their own needs and make payments further up the hierarchy, feeding these resources to high officials and elites in Kinshasa in capillary-like fashion, where the resources can be distributed through patronage networks. Armed groups and business interests are connected to this system by 'local forms of governance' and through the cross-border trade in natural resources. SSR has been

[106] Day (note 43), pp. 111–15.

[107] Stearns, J. K. and Vogel, C., *The Landscape of Armed Groups in the Eastern Congo* (Congo Research Group, Center on International Cooperation: New York, Dec. 2015); and Ram, E., '"Anything to stop the massacres": Peace still eludes DRC as armed groups proliferate', *The Guardian*, 11 Feb. 2022.

[108] Kivu Security Tracker, 'Is the "State of Siege" a step in the right direction?', 11 May 2021.

[109] Amnesty International, 'DRC: One year on, "State of Siege" used as a tool to crush dissent', 10 May 2022.

[110] Amnesty International (note 109).

[111] Interview, MONUSCO, via zoom, 23 Feb. 2022.

[112] Day (note 43), p. 92.

resisted and co-opted by this system and had the unintended effects of reinforcing autocratic and predatory forms of governance.[113]

The UN Security Council recently expressed concern over the continuing 'illegal exploitation and trade of natural resources' and called for 'sustained efforts' to prevent the illegal trade in natural resources, especially gold, that has fuelled conflict between armed groups in the region.[114] The recent mandate renewal for MONUSCO identified illicit exploitation and trafficking of natural resources, including conflict minerals but also cocoa, charcoal, timber and wildlife, by armed groups and criminal networks as a root cause of the conflict in the DRC, and that their continuation undermines lasting peace and development in the country.[115]

The Security Council has also explicitly defined mining and natural resource management as stabilization and state institution strengthening, and mandated MONUSCO to 'provide technical advice to the Government of the DRC in the consolidation of an effective national civilian structure that controls key mining activities and manages in an equitable and productive manner the extraction, value addition, transport, and trade of natural resources in eastern DRC, in coordination with the Special Envoy for the Great Lakes Region's technical assistance efforts'.[116] This raises questions, however, in the light of the involvement of state military and police actors in criminal markets, as well as the 'political actors at all levels' and associated transnational criminal networks that derive the most financial benefit from them.[117]

MONUSCO's efforts to help counter organized crime, and organized environmental crime, have largely been focused on building the capacity of the Congolese police to investigate organized crime. In 2015 the police component of MONUSCO established a support unit composed of UN Police experts and investigators, which provided technical and operational support to the PNC with nine major organized crime investigations.[118] In 2018 the UN Police in MONUSCO set up a taskforce of investigators and analysts, which assisted local police with investigating the financing of armed groups and the illicit trafficking of natural resources. The taskforce led to the arrest of a number of suspects. Strengthening the DRC judicial system, in particular its transparency and accountability, was viewed by the UN Police as a priority response over militarized efforts to help combat organized crime.[119] However, since April 2021, military courts and the military justice system have replaced the civilian justice system under the state of siege.

UN Police has been involved in a range of capacity-building activities from the training of high-level counter-organized crime units in the PNC, to targeted co-location with specialized units such as the General Intelligence Directorate (*Direction de renseignements Générale*) and with regular police commissariats and police stations, which has included providing advice on active cases of serious and organized crime.[120] UN Police also provides advice on cases to Judicial Police Officers (*officiers de la police judiciaire*) in the PNC and officers monitor, mentor and advise host state counterparts on weapon identification. As the DRC continues to be under an arms embargo, the UN Police also works with the embargo cell and the DDR section in MONUSCO to ensure

[113] Day (note 43), pp. 97–121.

[114] News 24, 'UN calls for "sustained efforts" against DRC natural resource trafficking', 27 June 2020.

[115] United Nations Security Council Resolution 2612, 20 Dec. 2021.

[116] United Nations Security Council Resolution 2612, 20 Dec. 2021, para 29 (ii)(b).

[117] Global Initiative Against Transnational Organized Crime, Statement to the UN Security Council, Delivered by Tuesday Reitano, 6 Nov. 2018.

[118] United Nations, Security Council, Briefing by Awalé Abdounasir, Police Commissioner of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 3893rd meeting, S/PV.8393, 6 Nov. 2018, New York, p. 7.

[119] United Nations, Security Council (note 118).

[120] Interview, UN Police, MONUSCO, via zoom, 14 Oct. 2022.

identified weapons and surrounding circumstances are entered in a database.[121] Training covers topics such as investigations, forensic science, information-gathering and human rights. One proposal pending approval concerns training specialized police to operate in mining areas.[122] As MONUSCO is now in transition towards drawdown, which is currently expected in 2024 or 2025, there is an increased focus on training-of-trainers to enable future capacity-building by host state personnel.[123] However MONUSCO's transition is seen by some mission personnel as premature, as there is much more work to be done before eastern DRC could be considered stabilized.[124]

Under the current state of siege in Ituri and North Kivu provinces, UN Police activities face additional challenges. While continuing to assist and support investigations conducted by the PNC, under the state of siege, case files and supporting information end up in the hands of the military. In addition, prosecutions take place in military courts. In this context, the UN Police is working with MONUSCO's justice support team, which provides support on human rights standards and tries to help military justice actors to process cases in the shortest possible time.[125] The handling of cases involving illicit trafficking of natural resources and other forms of organized crime by an institution with members who have been implicated in those same activities by a UN Group of Experts raises questions about the integrity of the justice process.

The DRC illustrates the complex dynamics of organized crime in sustaining armed conflict and the corresponding challenges for peace operations. Bintou Keita, the Special Representative of the Secretary-General and Head of Mission appointed in January 2021, has identified the illegal exploitation of natural resources as a major driver of conflict. Briefing the Security Council in March 2021, she underscored the point that military strategies were not sufficient, and that political strategies were needed to address social, economic and governance needs, including greater transparency and accountability in the mining sector.[126] One interviewee formerly deployed with MONUSCO observed that 'fighting organized crime in the DRC means you are implicitly linking in political officials . . . you can analyse the situation, but combating it is unlikely'.[127]

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[121] Interview, UN Police, MONUSCO, via zoom, 14 Oct. 2022.
[122] Interview, UN Police, MONUSCO, via zoom, 4 Oct. 2022.
[123] Interview, UN Police, MONUSCO, via zoom, 14 Oct. 2022.
[124] Interview, MONUSCO, via zoom, 23 Feb. 2022.
[125] Interview, UN Police, MONUSCO, via zoom, 4 Oct. 2022.
[126] UN News, 'DR Congo: Limitations to "strictly military approach" to stemming violence, mission chief warns', UN News, 6 Dec. 2021.
[127] Interview, former MONUSCO personnel, via zoom, 21 Mar. 2022.

4. Armed conflict, organized crime and stabilization in the Central African Republic

Conflict, governance and organized crime

The Central African Republic is a small country, with a population of some 6 million, that has experienced prolonged turbulence in a reflection of the lingering effects of its pre-colonial and colonial experience, limited state institutional development, predatory elites and rebellious military personnel, as well as its location in a turbulent region where it has been subject to the influence of, and interventions by, regional and international actors.[128] These factors have contributed to the country's status as the world's second least developed state (188th of the 189 countries surveyed) in the UNDP Human Development Index.[129]

Although it gained independence in 1960, the country's first democratic transfer of power did not take place until 1993. This was followed by a succession of military rebellions and coups. In 2002–2003 several regional leaders backed a military coup by former Central African Armed Forces (*Forces armées centrafricaines*, FACA) chief of staff François Bozizé, supported by a force composed largely of Chadian mercenaries.[130] Bozizé assumed power and was confirmed as president in the second round of elections in March 2005. Bozizé was re-elected in a 2011 election disputed by the opposition.

More recently, a coalition of armed groups from the north and east of CAR, which called itself the Séléka, attacked government and local self-defence groups (the anti-Balaka) in the south and west in 2012–14, and the capital, Bangui, was invaded and taken over by Séléka rebels in March 2013. The fall of Bangui and the overthrow of President Bozizé resulted in the collapse of law and order as state employees abandoned their positions in the civilian administration, the defence and police forces and the justice system. The country witnessed increased cross-border criminality, small arms proliferation, illegal exploitation of minerals and poaching for ivory.[131] In a context of widespread impunity for human rights violations, Séléka soldiers assumed judicial roles in some areas and exacted revenge for past legal judgements.[132] Criminality blurred with political and military objectives in the insurgency. Former armed highway bandits and game poachers with ties to criminal syndicates were among Séléka's members, and the prospect of looting defeated areas was described by the UN as an important consideration in the rebel group's decision to take Bangui.[133]

Many of the problems seen in the DRC linked to the involvement of armed groups and state actors in the illicit economy of natural resource extraction and plunder of state resources are also present in CAR. The nature of the CAR state is closely linked to modes of accumulation in which employment as a state official has become an expected and relatively safe means by which individuals not only derive an income, but

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[128] For an insightful multifaceted account of CAR's historical development and contemporary conditions see Lombard, L. and Carayannis, T. (eds), *Making Sense of the Central African Republic* (Zed Books: London, 2015).

[129] World Bank, 'The World Bank in Central African Republic', 23 Sep. 2022.

[130] Lombard, L. and Carayannis, T., 'Making sense of CAR: An introduction', eds Lombard and Carayannis (note 128), p. 5.

[131] United Nations, Human Rights Council, 'Situation of human rights in the Central African Republic: Report of the United Nations High Commissioner for Human Rights', A/HRC/24/59, 12 Sep. 2013, paras 13 and 14.

[132] United Nations Human Rights Council (note 131), paras 15 and 16.

[133] MINUSCA et al., 'Report of the mapping project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015', May 2017, p. 304.

plunder and generate private wealth.[134] According to Marchal, 'the state is primarily a vehicle for plundering'. State positions are used as sources for private gain and the accumulation of wealth.[135]

Similarly, according to certain analyses, armed groups in some areas have assumed local governance functions not because of a desire to assert the sovereignty and independence of the affected area, but from a combination of revenue-seeking for their members and to fill gaps in essential services linked to an absent state.[136]

State-building has been closely linked to 'concessionary politics', a mode of governance of the economy in which the extraction and development of key resources and functions are outsourced to private foreign actors that are then expected to fund the creation of supportive infrastructure and make payments to the state and elites.[137] This form of governance sustains a system of patronage, while the state remains underdeveloped including in its capacities to exercise oversight and enforce the accountability of private actors. It has fostered perceptions among the public that the country's resources are being pillaged by foreign actors, and has driven a scramble for the remains and social violence to reinforce state authority.[138] Marchand describes a deep suspicion of the wealth generated by business activities, which is connected to the colonial era delegation of sovereignty to foreign businesses and the resulting exploitation of concessions managed by foreigners, as well as the perception among CAR citizens that their country is being pillaged by foreigners, which gives rise to social violence.[139]

CAR is ranked ninth globally in the 2021 Global Organized Crime Index, and second only to the DRC in the Central Africa subregion. It has a criminality score of 7.04 on a scale of 0 to 10.[140] The dominant criminal activities in the country are the extraction of and trade in non-renewable resources, arms trafficking and fauna crime. All categories of criminal actor are present, from mafia-style groups to criminal networks, state-embedded actors and foreign actors.

CAR also ranks near the bottom globally in terms of resilience to organized crime, scoring 1.92 out of 10, even lower than neighbouring DRC. Organized crime is facilitated by the lack of preventative measures, weak political leadership and governance, low levels of government transparency and accountability, weak law enforcement, lack of territorial control and weak economic regulatory capacity.[141]

Although a peace agreement was signed between 14 major armed groups and the government of CAR in February 2019, the country has remained divided and conflict prone. In addition to the many ethnic and religious cleavages across the country's population, political and economic factors remain key drivers of conflict. The UN secretary-general's reports on CAR note that armed groups seek to extend their area of influence and compete among themselves for control of gold mining sites and to demand payments from refugees.[142] The UN recently reported that '[a]rmed groups

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[134] Marchal, R., 'Being rich, being poor: Wealth and fear in the Central African Republic', eds Lombard and Carayannis (note 128), pp. 53–56.

[135] Marchal (note 134), p. 54.

[136] Lombard, L. and Carayannis, T., 'Making sense of CAR: An introduction', eds Lombard and Carayannis (note 128), pp 1–16.

Lombard and Carayannis (note 128), p. 9.

[137] For historical accounts of the development of concessionary politics see Smith, S. W., 'CAR's history: The past of a tense presence', eds Lombard and Carayannis (note 128), pp. 17–52; and Marchal (note 134), pp. 53–75.

[138] Marchal (note 134), p. 54.

[139] Marchal (note 134), p. 54.

[140] Global Organized Crime Index, 'Central African Republic', [n.d.], accessed 12 June 2022.

[141] Global Organized Crime Index, 'Central African Republic' (note 140).

[142] United Nations, Security Council, 'Central African Republic: Report of the Secretary-General', S/2020/994, 12 Oct. 2020, paras 36 and 37.

and national defence forces and other security personnel perpetrated extortion, illegal taxation and sexual violence against the civilian population'.[143]

In 2019 the CAR panel of experts on arms embargoes noted that armed groups in the eastern and northern parts of CAR continued to traffic gold and diamonds, and to collect 'taxes' from all actors in the production and trading chain.[144] Parallel taxation structures for miners and other economic activities were maintained by former Séléka factions, despite commitments on the restoration of state authority made in the peace agreement. Military operations have allowed ex-Séléka leaders to take control of mining sites and establish lucrative taxation systems for them. The diamonds and gold are then smuggled to Chad and sometimes on to Cameroon.[145]

A new phase in the conflict began in December 2020 when the most powerful armed groups were convinced by Francois Bozizé to form a new coalition, the Coalition of Patriots for Change (*Coalition des patriotes pour le changement*, CPC). Bozizé claimed to be backed by Western powers that would provide material support to help counter Russian influence in the country. He also promised the leaders of the armed groups military rank and positions in the new administration, as well as legal immunity.[146] The CPC launched an attack on Bangui in an attempt to overthrow newly re-elected President Faustin-Archange Touadéra and seize power but members of the Russian Wagner Group, along with Rwandan forces, helped to repel the attack.[147] Several major towns were retaken in a counter-offensive by FACA, Russian instructors and Rwandan forces. In addition to disproportionate civilian targeting and violations of international humanitarian law, the UN panel of experts on CAR has documented the arming and funding activities of the members of the armed groups in the CPC. Its report describes looting on a large scale, arms trafficking in violation of the arms embargo, and illegal taxation of mining and other economic activities as the primary means of generating revenues for the armed groups.[148]

A recent development in CAR, as in Mali, is the appearance of Russian 'private military instructors' with close links to the Russian state. The Wagner Group has since conducted joint operations with the CAR military and is receiving payment in mining and forestry concessions.[149] Russian instructors and FACA forces are also alleged to have attacked and killed miners to take charge of artisanal and small-scale gold mines.[150]

The panel of experts report discusses 'the continued prevalence of gold and diamond smuggling activities, depriving the country of significant resources and creating conditions favourable to the development of criminal networks thriving regardless of the political and security situation'.[151] The panel estimates that over 95 per cent of gold mined in CAR is illegally traded by companies and individuals, and that Cameroon functions as a key hub in the region for illegal exports of CAR's gold and diamonds.

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[143] United Nations, Security Council, 'Central African Republic: Report of the Secretary-General', S/2022/491, 16 June 2022, para. 20.

[144] United Nations, Security Council, Final report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2454 (2019), S/2019/930, 14 Dec. 2019, p. 23.

[145] United Nations, Security Council, S/2019/930 (note 144), p. 24.

[146] United Nations, Security Council, 'Final Report of the Panel of Experts on the Central African Republic extended pursuant to Security Council resolution 2536 (2020)', S/2021/569, 25 June 2021, paras 12–14.

[147] Bensimon, C., 'En Centrafrique, une étrange coalition militaire pour defendre le pouvoir' [In the Central African Republic, a strange military coalition defends power], *Le Monde*, 18 Jan. 2021.

[148] United Nations, Security Council, S/2021/569 (note 146), Summary.

[149] Komminoth, L., 'Russia's Wagner Group could make millions from exploitation of African rainforest', African Business, 15 Sep. 2022.

[150] Marks, S. and Alamin, M., 'Russian mercenaries seek gold, sow chaos in Central Africa', Bloomberg, 16 Aug. 2022.

[151] United Nations, Security Council, S/2021/569 (note 146), Summary.

Smuggling is facilitated by Cameroonian customs agents and border police with the knowledge of their superiors, and the latter's involvement in facilitating large shipments. Individuals with connections to Cameroonian elites provide them with protection.[152]

The recent adoption of the cryptocurrency bitcoin as legal tender and the creation of a new crypto currency, the 'Sango Coin', in a country in which few have access to the Internet or electricity, has been promoted by President Touadéra as a means of providing direct access for investors to the country's wealth of natural resources.[153] The move is viewed by others as a way to facilitate moving money out of the country following the imposition of sanctions against Russia.[154]

MINUSCA

CAR has hosted around 12 UN and regional peace operations, peacebuilding missions and bilateral military interventions since the mid 1990s.[155] The 2013 coup by the Séléka coalition and clashes with anti-Balaka armed groups led to widespread human rights abuses, pillaging and looting. In the ensuing humanitarian crisis, nearly 1 million people, or a quarter of the country's population at the time, was displaced.[156] The UN Security Council imposed an arms embargo in December 2013. In April 2014 it authorized a robust, large-footprint UN stabilization mission, the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), to subsume the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) and to take over from the African-led International Support Mission to the Central African Republic (MISCA) in September that year.

Setting the stage for the establishment of MINUSCA, UN Security Council Resolution 2149 emphasized '. . . the risk of the situation in the CAR providing a conducive environment for transnational criminal activity, such as that involving arms trafficking and the use of mercenaries as well as a potential breeding ground for radical networks'.[157] Among MINUSCA's priority tasks were the protection of civilians, supporting the transitional political process, including 'rapid' extension of state authority, facilitating humanitarian assistance, protecting UN personnel and infrastructure, the promotion of human rights, support for justice and the rule of law, and supporting disarmament, demobilization, reintegration and repatriation (DDRR) efforts.[158]

MINUSCA's additional tasks relevant to organized crime were to: support security sector reform; assist the panel of experts, including by passing it information relevant to the implementation of its mandate and monitoring the implementation of measures in cooperation with the panel of experts; 'advise the Transitional Authorities on efforts to keep armed groups from exploiting natural resources'; and seize and collect arms and related materiel that violate the terms of the arms embargo.[159] The Security

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[152] United Nations, Security Council, S/2021/569 (note 146), paras 152–54, 158–59.

[153] AfricaNews, 'Central African Republic launches project for its own cryptocurrency and crypto-hub', 4 July 2022.

[154] Pilling, D., 'Central African Republic's adoption of bitcoin is mostly about geopolitics', *Financial Times*, 26 May 2022.

[155] Lombard and Carayannis (note 128), p. 1.

[156] Lejeune-Kaba, F., 'Violence in Bangui triggers fresh displacement in Central African Republic', United Nations High Commissioner for Refugees (UNHCR), 1 Apr. 2014.

[157] United Nations, 'Security Council authorizes United Nations Multidimensional Integrated Stabilization Mission in Central African Republic', Press release, 10 Apr. 2014.

[158] United Nations Security Council Resolution 2149, 10 Apr. 2014, para. 30.

[159] United Nations Security Council Resolution 2149, 10 Apr. 2014, para. 31.

Council also authorized French forces operating in CAR (Operation Sangaris) to 'use all necessary means to provide operational support' to elements of the mission.[160]

However, efforts to implement MINUSCA's main tasks were frustrated when armed groups began to fragment. The leaders of these groups exercised weak command and control over rank and file members, who saw few benefits coming from the political process and refocused on self-enrichment. In late 2016, as various bilateral forces, such as Operation Sangaris and US forces, as well as Uganda's counter-Lord's Resistance Army forces were withdrawing, violence surged and 'many armed groups reneged on their ceasefire agreements and began engaging in violent competition over resource-rich areas, including lucrative areas for illegal taxation, mining, and cattle migration'.[161]

Efforts traditionally used to achieve peace, such as giving the leaders of armed groups important positions in security agencies, have proved ineffective in CAR, again ascribed to the weak command and control that leaders have over their armed groups, as well as fragmented patterns of violence and the increasingly predatory behaviour of various factions. According to one observer: 'In September 2017, President Touadéra negotiated the appointment of several former armed group leaders into government positions—yet this concession reportedly had little impact on armed group fighters on the ground, many of whom were by this point driven more by economic motivations than by political ones.'[162]

The security situation in CAR demonstrates the interlinkages between armed conflict, organized crime and the illicit economy, and state-embedded actors. The 2019 secretary-general's report on CAR notes that: '[v]iolent clashes between armed groups and exactions committed by criminal militias continued to fuel intercommunal tensions and remain the primary source of insecurity and threats against civilians, especially women and children and humanitarians, mostly with impunity.'[163] Furthermore, '[t]he movement of natural resources continued to fuel violent competition between armed groups for access to and control of strategic sites such as mines, markets and key roadways'.[164] The UN framed the mission's protection of civilians mandate as involving 'protection of civilians from violence and from exactions' and MINUSCA military operations have been undertaken to reduce such threats by armed groups.[165] MINUSCA has engaged in joint operations with CAR forces to 'achieve area domination' in certain locations, and increased patrols to restrict the mobility of armed groups and to 'mitigate threats at mining sites and in transhumance corridors linking Cameroon and Chad to the Central African Republic'.[166] The categorization of these activities under the rubric of the 'protection of civilians' underscores the reliance of armed actors on illicit extraction and predation on the civilian population.

This intertwining of transnational organized crime with armed conflict is also reflected in a call by the Security Council for CAR and neighbouring states to 'cooperate at the regional level to investigate and combat transnational criminal networks and armed groups involved in arms trafficking' and for the reactivation of the joint bilateral commission for Chad, as had been done with the joint bilateral commissions for Cameroon and the Republic of Congo.[167] The UN Police also assists the Interpol bureau

[160] United Nations Security Council Resolution 2149, 10 Apr. 2014, para. 47.

[161] Gorur, A., 'The political strategy of the UN Peacekeeping Mission in the Central African Republic', eds A. Day et al., *The Political Practice of Peacekeeping: How Strategies for Peace Operations are Developed and Implemented* (United Nations University: New York, 2020), p. 100.

[162] Gorur (note 161), p. 107.

[163] United Nations, Security Council, 'Central African Republic: Report of the Secretary-General', S/2019/147, 15 Feb. 2019, para. 16.

[164] United Nations, Security Council, S/2019/147 (note 163), para. 17.

[165] United Nations, Security Council, S/2019/147 (note 163), paras 30 and 31.

[166] United Nations, Security Council, S/2022/491 (note 143), para. 40.

[167] United Nations Security Council Resolution 2488, 12 Sep. 2019, para. 9.

in Bangui, including by participating in regional operations with Interpol to address trafficking in arms, people and drugs.[168]

Since 2022, the Security Council has prioritized the protection of civilians, support for the peace process and creating a secure environment for the delivery of humanitarian assistance in MINUSCA's mandate. The extension of state authority, including to 'address cross-border illicit trade in natural resources', remains in the current mandate under 'other tasks'.[169]

The UN Police in MINUSCA has three primary areas of activity that are relevant to organized crime: criminal analysis, criminal investigations and capacity development. The criminal analysis team provides internal situational awareness and tactical analysis of criminal activity in CAR for the mission itself. The criminal investigations section helps the host state to counter organized crime: first, through capacity-building by co-locating with local police and gendarmerie to provide mentoring, training and advice; and, second, by providing direct assistance with criminal investigations as requested by the CAR authorities or the mission leadership. The development section focuses on helping to build the capacities of the host state's policing structures, both police and gendarmerie, in all areas, including countering organized crime.[170]

In addition, and unusually among contemporary peace operations and stabilization missions, MINUSCA was established with a mandate to exercise limited executive authority in the form of 'urgent temporary measures' (UTMs) to apprehend, arrest or detain individuals 'in areas where national security forces are not present or operational' in order to 'maintain basic law and order and fight impunity'.[171] Later mandate renewals sharpened the focus to apply to serious international crime. The International Criminal Court (ICC) has begun conducting investigations and a Special Criminal Court (SCC) has been established. In 2017 the Security Council therefore mandated the use of UTMs with specific regard to 'those in the country responsible for crimes involving serious human rights violations and abuses and serious violations of international humanitarian law, including sexual violence in conflict, so that they can be brought to justice, and through cooperation with States of the region as well as the [International Criminal Court] in cases of crimes falling within its jurisdiction'.[172] As indicated in consecutive reports on CAR by the secretary-general, the mission has used the powers conferred by its UTM mandate to arrest and hand over numerous individuals suspected of crimes, including war crimes and crimes against humanity.[173] In 2021 the mission mandate broadened its focus, authorizing use of UTMs to 'arrest and detain in order to maintain basic law and order and fight impunity and to pay particular attention in this regard to those engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including those violating the ceasefire or the APPR'.[174]

MINUSCA was mandated with this limited executive authority for 'areas where national security forces are not present or operational', underscoring the executive nature of the measures in contrast to the support function of host state capacity-

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[168] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.

[169] United Nations Security Council Resolution 2605, 12 Nov. 2021, para 35c(i).

[170] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.

[171] United Nations Security Council Resolution 2149, 10 Apr. 2014, para. 40.

[172] United Nations Security Council Resolution 2387, 15 Nov. 2017, para. 43.

[173] See e.g. United Nations, Security Council, 'Central African Republic: Report of the Secretary-General', S/2020/545, 16 June 2020, para 66, where the mission is reported as acting under its urgent temporary measures mandate to arrest 59 persons for crimes in the preceding 4 months.

[174] United Nations Security Council Resolution 2605, 12 Nov. 2021, para. 35(f)(iii). The APPR is the peace agreement signed on 6 Feb. 2019.

building.[175] In executing UTMs, the role of the UN Police is to carry out investigations and make arrests—calling on the military component to assist if necessary, although arrests are carried out by the UN Police. UTMs have been framed as authorizing the arrest and detention of suspects in support of maintaining basic law and order and to counter impunity, with particular reference to those undermining the peace, security or stability of CAR.[176] The UN Police coordinates with the mission's justice and corrections section, which leads on UTMs, on the transfer of suspects to the national authorities for cases to be prosecuted in the national criminal justice system.

The UN Police participated in 13 UTM operations in 2019 and 11 in 2020 but only one request was received for the application of UTMs in 2021 and there had been only one further request as of mid September 2022.[177] The decline in requests from the CAR authorities and the corresponding decline in involvement by MINUSCA UN Police in implementing UTMs suggests that although it does not strictly require a host state request to exercise its executive authority, in practice MINUSCA UN Police prefers to use its limited executive authority only at the request of the state. The cases in which UTMs are used also tend to involve issues linked to the protection of civilians, such as attacks by armed groups and resulting crimes against humanity, including sexual violence. It has been argued that the Security Council views support for the rule of law as secondary to supporting the political process and 'despite the unusual mandate, there was little that MINUSCA could do on its own to create the rule of law in a way that would significantly alter the conflict dynamics'.[178]

The impact of MINUSCA's use of UTMs has been limited because of the weakness of the host state it is meant to supplement, in particular CAR's weak investigative and prosecutorial capacities. While UN Police can exercise executive authority in detaining and arresting suspects, MINUSCA then hands the suspects over to the national authorities in an extremely weak justice system. In 2014 the UN noted that 'the justice system and wider rule remain largely absent in the interior of the country' and an 'almost total lack of capacity of national counterparts in the areas of police, justice and corrections'.[179] While recent UN reports have documented certain improvements in the justice system, such as the resumption of two courts of appeal after two years of not functioning, they also document continuing problems, such as the courts' acquittal of most individuals accused of serious crimes or affiliation with armed groups due to lack of evidence.[180]

The UN Police also participates in the Joint Task Force Bangui, an operational entity of military and police personnel, and gendarmerie units co-located with commissariats and specialized units. It conducts foot and vehicle patrols and static guarding, and uses technological means such as drones in capital city hotspots to prevent crimes such as robbery. It also provides protection to national institutions, high-ranking officials, and UN personnel and facilities.[181]

However, armed groups are located outside the capital in the regions, and trafficking networks for arms, people and drugs operate near the borders.[182] These zones

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[175] Vanspranghe, E., 'Advancing the rule of law through executive measures: The case of MINUSCA', *Goettingen Journal of International Law*, vol. 9, no. 2 (2019), p. 337.

[176] See e.g. the most recent renewal of MINUSCA's mandate in United Nations Security Council Resolution 2569, 14 Nov. 2022, para. 36 (f)(iii).

[177] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.

[178] Gorur (note 161), p. 107.

[179] United Nations, Security Council, 'Report of the Secretary-General on the situation in the Central African Republic', S/2014/562, 1 Aug. 2014, paras 50 and 52.

[180] United Nations, Security Council, 'Report of the Secretary-General on the situation in the Central African Republic', S/2022/762, 13 Oct. 2022, para. 60.

[181] UN Peacekeeping, 'Securing the city: On patrol with the Joint Task Force for Bangui', 15 June 2020.

[182] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.

of influence of armed groups and the lack of logistics make it difficult for the host state to investigate various forms of organized crime or attacks on peacekeepers. The responsibility to investigate, make arrests and prosecute the perpetrators rests with the host state but MINUSCA can assist when necessary, such as through the provision of forensics expertise and the support of a working group on attacks against peacekeepers.[183] MINUSCA also cooperates with Interpol by contributing to its arms database, and was involved in a regional operation with the national authorities to counter arms trafficking in mid 2022.[184]

Despite the logistical challenges outlined above, operations in contested or rebel-held territory and operational collaboration across the MINUSCA components does occur where the primary focus is the protection of civilians. As one mission member explained, the priority given to protecting civilians informs joint operations against armed groups. Where there are indications of a high level of human rights violations in an area, the mission conducts a joint area domination operation, which would include military elements to counter the armed groups, but possibly also involve a 'surge team' of UN Police, human rights officers and other civilian staff to investigate human rights violations.[185] The collection of evidence in such contexts might include that linked to arms trafficking and other forms of organized crime.

This chapter has described how, in CAR, organized crime in the form of illicit mining and taxation, and the trafficking of natural resources is linked to armed conflict as a primary source of revenue not only for armed groups, but also for FACA personnel, Russian military instructors and Wagner Group personnel, who have been implicated in violence to gain control of artisanal gold mines and concessions. While countering the illicit trafficking of natural resources is a mandated task of MINUSCA, it is not as high a priority as the protection of civilians. MINUSCA has been granted limited executive authority to detain and arrest suspects using UTMs. The use of UTMs by the Security Council has at times been framed in terms of supporting law and order and fighting impunity, and at other times in terms of responding to violations of international human rights and international humanitarian law (IHL). Combating organized crime does not appear to be a top priority motivation for implementation of UTMs by the host government, or by MINUSCA which acts at the express invitation of the host state. UN Police nonetheless provides capacity-building assistance and analytical support to host state authorities with regard to combating organized crime, such as through training in forensics and crime analysis. It appears that other elements of the political economy linking organized crime and illicit markets to armed conflict and governance in CAR, including patronage systems and concessionary politics, are not being addressed.

[183] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.
[184] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.
[185] Interview, UN Police, MINUSCA, via zoom, 14 Sep. 2022.

5. Armed conflict, organized crime and stabilization in Mali

Conflict, governance and organized crime

Mali gained independence from French colonial rule in 1960. Although at one point considered a paragon of democratic development, a military coup on 22 March 2012, its fourth since independence, revealed underlying problems of unaccountable governance, entrenched structural inequalities, patronage networks and pervasive state corruption, as well as societal division and perceptions of marginalization—especially among those in the vast northern periphery. The country is ranked 184th of 189 countries in the UNDP Human Development Index.[186] The 2012 coup enabled Tuareg separatists and Islamist groups to seize control of the north, including Timbuktu and Gao, and led to the resignation of President Amadou Toumani Touré in April of that year. France intervened in 2013 through Operation Serval, mounting operations to retake territory from the Islamist armed groups. The African-led International Support Mission to Mali (AFISMA) had been established in 2012. After President Ibrahim Boubakar Keita invited the UN in to help stabilize the country, AFISMA transitioned into the UN Multidimensional Mission in Mali (MINUSMA) in April 2013. The Algiers Mali Peace Accord was agreed in June 2015 but violence continued in northern Mali and spread to central Mali. The provisions of the accord have therefore not been implemented.

As the violence spread, Mali became host to multiple international stabilization initiatives aiming to build state capacity, such as the European Union (EU) Training Mission (EUTM) Mali and the EU Capacity Building Mission (EUCAP) Sahel Mali in 2014. A regional counter-insurgency initiative, the G5 Sahel Joint Force (G5S), was established in 2017 involving Burkina Faso, Chad, Mali, Mauritania and Niger, with a mandate that explicitly identifies and links terrorism perpetrated by Islamist extremist groups and insurgents with transnational organized crime.[187] In addition, the France-led anti-insurgency Operation Barkhane was established in 2014, and in 2020 the EU-led Takuba Task Force, a multilateral international counterterrorism force of several hundred special forces personnel from at least 12 countries, contributed to a crowded institutional landscape. Despite this large international presence, the situation in the country has progressively deteriorated. Operation Barkhane lost support and violence spread both within Mali and across its borders into Niger and Burkina Faso.

Mali has also experienced considerable regime instability. The democratically elected but unpopular Keita was overthrown in a coup led by Colonel Assimi Goita on 18 August 2020. In another coup in May 2021, Goita seized complete control, removing interim civilian leaders who were perceived to have close links with France and making himself president. Citing deepening insecurity due to the insurgency and the need for a new constitution, the new military junta postponed elections that were to have been held in February 2022 and proposed a four-year transition with elections to be held in 2026. This led the Economic Community of West African States (ECOWAS) to impose severe sanctions against Mali, involving the closure of land and air borders with member states, and the blocking of most commercial trade, except for essential

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[186] United Nations Development Programme (note 77).
[187] United Nations Security Council Resolution 2359, 21 June 2017.

items, and of financial aid.[188] Both ECOWAS and the African Union (AU) suspended Mali's membership of their organizations.

The coalition of states present in the Sahel shifted its military strategy in 2021 to assisting local forces with countering al-Qaeda and IS, rather than themselves being the primary fighting forces.[189] Tensions have increased between the Malian junta, on the one hand, and Western powers and MINUSMA, on the other. A major point of friction concerns the junta's decision to hire Russian military advisers from the Wagner Group to assist the counter-insurgency effort. The Wagner Group has several different arms involved not only in military operations and providing 'military advice', but also in construction and natural resource extraction. In providing regime security for the junta, Wagner Group operatives have been accused of human rights abuses, including the massacre of 300 mostly civilian men and suspected Islamist fighters in Moura, central Mali, in late March 2022—the deadliest incident in Mali's 10-year fight against Islamist insurgents.[190] France suspended joint operations with the Malian military and announced the withdrawal of Operation Barkhane in February 2022, and confirmed the withdrawal of its troops from the country in August.[191] The EU announced that the military taskforce Takuba would be withdrawn from Mali at the same time.[192] Mali announced its withdrawal from the G5S group and its Joint Force in May 2022.[193]

In Mali, certain state actors are linked with patronage relationships and criminal networks. For example, the UN panel of experts on Mali has reported that the head of the state security service, General Moussa Diawara, and his deputy in charge of counterterrorism, Colonel Ibrahima Sanogo, received payments from a member of parliament, Mohamed Ould Mataly, to provide protection to members of the Lemhar Arab community, including those convicted in Niger of drug trafficking and those suspected of terrorism.[194]

Mali is ranked 49th of 193 countries in the 2021 Global Organized Crime Index, with a criminality score of 5.89 out of 10.[195] According to the Index, the dominant criminal activity is arms trafficking, followed by non-renewable resource crimes, human trafficking and the cannabis trade. State-embedded actors dominate organized crime, followed by criminal networks.

Continuing instability and armed conflict have created strong demand for weapons and made Mali a key destination for arms trafficked from Libya through Niger, Algeria, coastal West Africa via Mauritania, and Guinea. Arms trafficking is facilitated by the relatively weak Malian state security presence in parts of the country.[196] In addition to illegal cross-border trafficking of arms, there is extensive diversion of arms and ammunition from national police and military stockpiles in illegal commerce. Diverted weapon stocks account for an increasing proportion of the heavy weaponry used by armed groups. Rockets from diverted state stocks accounted for a minimum

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[188] Kokutse, F. and Larson, K., 'West African regional leaders impose new sanctions on Mali', AP News, 9 Jan. 2022.

[189] Corbet, S. and Petrequin, S., 'France and EU to withdraw troops from Mali, remain in region', AP News, 17 Feb. 2022.

[190] Petesch, C., '300 killed by Mali's army and foreigners, says rights group', AP News, 5 Apr. 2022.

[191] 'French military: Last group of soldiers has left Mali', AP News, 15 Aug. 2022.

[192] Corbet and Petrequin (note 189)

[193] UN News, 'Mali's withdrawal from G5 Sahel Joint Force "a setback" for the region', 18 May 2022.

[194] United Nations, Security Council, 'Final report of the Panel of Experts established pursuant to Security Council resolution 2374 (2017) on Mali and renewed pursuant to resolution 2484 (2019)', S/2020/785/Rev.1, 7 Aug. 2020, paras 52–53.

[195] Global Organized Crime Index, 'Mali', accessed 12 June 2022.

[196] Mangan, F. and Nowak, M., 'The West Africa-Sahel connection: Mapping cross-border arms trafficking', *Small Arms Survey*, Briefing Paper (Dec. 2019), pp. 6–7.

of 20 per cent of those used by armed groups in 2013, over 60 per cent in 2015 and 100 per cent by early 2016.[197]

Mali has a very low level of resilience to organized crime, scoring 2.38 out of 10 in the Global Organized Crime Index for 2021.[198] In particular, the Index identifies the Malian state as lacking control over its territorial integrity; offering scant support to victims and witnesses, and little by way of prevention; and providing weak political leadership and governance, as well as weak economic regulatory capacity. The weakness of the Malian state and the corrupt, unaccountable and largely absent governance it offers communities located in the northern areas has enabled the emergence of organized criminal groups and an informal regional economy based on human smuggling and drug trafficking. Government and state actors have been complicit in criminality, such as trafficking. In combination with weak rule of law and state institutions, this has allowed criminal economies to take hold and become normalized.[199]

Organized crime and the competition among armed groups, as well as political and military groups, over lucrative trafficking routes is an entrenched driver of conflict and insecurity in the country.[200] Rivalries among these actors for control of trafficking routes are heavily militarized and have generated high levels of violence, which in turn delays implementation of the disarmament provisions in the peace agreement by signatory groups.[201] In this way, organized crime and armed conflict reinforce each other.

International approaches have been criticized for being highly militarized, state- and security-centric, and failing to address continuing fragility and the human security needs of people in villages and rural communities. At the same time, certain NSAGs have responded to the basic needs of communities through the provision of essential albeit limited services that the state has been unable to provide, as well as a measure of predictability.[202] Jihadist and other NSAGs are largely based in rural areas where they can extract resources from local communities, and the profits from organized crime sustain their activities.[203] Jihadists and NSAGs also seek to establish social control and limited governance arrangements over the local population, such as Islamic courts to resolve disputes and address crime. Local populations often find traditional justice mechanisms more accessible, more grounded in local realities and more trustworthy than formal state justice, particularly in the rural and northern areas of the country.[204]

MINUSMA

MINUSMA is a large footprint UN stabilization mission. It had 11 776 troops, 1724 police and 490 civilian staff as of the end of March 2022.[205] Initially, MINUSMA was given two overarching tasks: 'Stabilization of key population centres and support for the re-establishment of State authority throughout the country'; and 'Support

[197] Conflict Armament Research et al., *Investigating Cross-border Weapon Transfers in the Sahel* (Conflict Armament Research: London, 2016), pp. 32–34.

[198] Global Organized Crime Index (note 195).

[199] Waugh, L. and Yousuf, Z., *Organised Crime and Conflict: Implications for Peacebuilding* (Saferworld: London, May 2022), p. 4.

[200] Raineri, L. and Galletti, C., 'Organised crime in Mali: Why it matters for a peaceful transition from conflict', *International Alert Policy Brief* (Sep. 2016), pp. 1–2.

[201] International Crisis Group, *Drug Trafficking, Violence and Politics in Northern Mali*, Africa Report no. 267 (International Crisis Group: Brussels, 2018).

[202] Tobie, A. and Sangaré, B., *The Impact of Armed Groups on the Populations of Central and Northern Mali* (SIPRI: Stockholm, Oct. 2019), p. 11.

[203] International Crisis Group (note 201).

[204] Ursu, A-E., 'Between ideals and needs: Is Malian customary justice incompatible with international human rights standards?', Clingendael Institute, 1 Apr. 2018, p. 3.

[205] United Nations Peacekeeping, 'Troop and police contributors', as of 31 May 2022.

for the implementation of the transitional road map, including the national political dialogue and the electoral process'.[206] Unlike the G5 Sahel Joint Force, which began with an explicit counterterrorism mandate and a mandate to tackle transnational organized crime and human trafficking, MINUSMA was not specifically instructed to address organized crime in its first mandate in 2013 or in mandate renewals up to 2017.[207] Instead, the mission was broadly instructed in its operative paragraphs under the mandate on stabilization and supporting the re-establishment of state authority throughout the country to support rebuilding of the Malian security sector and the rule of law and justice sectors.[208]

In 2014, MINUSMA's mandate was reformulated and expanded to include ensuring security, stabilization and the protection of civilians, supporting national political dialogue and reconciliation, and supporting the re-establishment of state authority throughout the country. The latter entailed assisting with the rebuilding of the security sector, the promotion and protection of human rights and support for humanitarian assistance.[209] To these were also added protecting UN personnel, installations and equipment, and supporting cultural preservation.[210]

In 2018 transnational organized crime was explicitly mentioned in an operative paragraph of the mandate, and the same language has been repeated up to and including the most recent mandate renewal in June 2022. The most recent Security Council resolution states that a priority task of MINUSMA is providing support to the implementation of the Agreement on Peace and Reconciliation in Mali (and, also added in June 2022, the full realization of the political transition), including 'to help ensure the effectiveness of justice and corrections officials as well as Malian judicial institutions, particularly regarding the detention, investigation and prosecution of individuals suspected of, and sentencing of those found responsible for terrorism-related crimes, mass atrocities and transnational organized crime activities (including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants)'.[211]

MINUSMA has also been assigned 'secondary tasks', such as quick impact projects, cooperation with sanctions committees, and weapon and ammunition management.[212] The sanctions regime monitoring the arms embargo, and weapon and ammunition management, is closely linked to issues of organized crime, specifically arms trafficking.

MINUSMA experienced some success in fulfilling its mandate until 2016, improving stability and security, and supporting the 2013 elections and the peace process that culminated in the 2015 peace agreement. However, its record since 2016 has been far less positive, as jihadist groups have increased their attacks, which have spread to the centre of the country, inter-communal violence has increased, the Malian state has retreated even further from the periphery and mission personnel have come under frequent attack.[213] As of 31 July 2022, 163 MINUSMA personnel had been killed by 'malicious acts', making it the UN's most deadly mission.[214]

A recent report on MINUSMA by the UN secretary-general identified a failure to extend state authority, a core mandated task for the mission. It noted that 'the

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[206] United Nations Security Council Resolution 2100, 25 Apr. 2013, para. 16.

[207] International Crisis Group, *Finding the Right Role for the G5 Sahel Joint Force*, Africa Report no. 258 (International Crisis Group: Brussels, 2017).

[208] United Nations Security Council Resolution 2100, 25 Apr. 2013, para 16 (iii).

[209] United Nations Security Council Resolution 2164, 25 June 2014, para. 13.

[210] United Nations Security Council Resolution 2164, 25 June 2014, para. 14.

[211] United Nations Security Council Resolution 2640, 29 June 2022, para 26 (a)(iv).

[212] United Nations Security Council Resolution 2640, 29 June 2022, para. 27.

[213] van der Lijn, J. et al., *Assessing the Effectiveness of the United Nations Mission in Mali /MINUSMA*, Effectiveness of Peace Operations Network (Norwegian Institute of International Affairs: Oslo, 2019), p. 5.

[214] France 24, 'UN peacekeeper killed in Mali mine blast', 19 June 2022; and United Nations Peacekeeping, Fatalities by Mission and incident type up to 31 July 2022.

overall presence of state authorities' had fallen to 15 per cent, and a decline from 12 to 10 per cent in the northern regions. At the centre, a state presence for stabilization and the restoration of state authority dropped from 27 per cent in the period January to March to 21 per cent in April–June 2022. In other words, the Malian government currently controls only 10 per cent of the north and 21 per cent of the central region.[215]

The renewal of MINUSMA's mandate in June 2022 occurred as tensions intensified and extremist attacks worsened, including on UN peacekeepers. While the Security Council agreed on the need to continue the mission—albeit for the first time without unanimity as China and Russia abstained—frictions increased concerning the role of France in the country and the increasing presence of Russian security personnel with close links to the Russian state, which conduct joint operations with the Malian military against insurgent armed groups.[216]

MINUSMA's most recent mandate acknowledges the problem of organized crime as requiring capacity-building in Mali's justice sector. However, the gains from capacity-building are likely to be limited since the underlying patterns of clientelism and patronage networks have persisted through successive coups, and the authorities in state institutions remain closely linked to organized crime and illicit trafficking, especially in the north of the country.[217]

An Effectiveness of Peace Operations Network (EPON) study of MINUSMA observes that organized crime is interlinked with daily insecurity and conflict dynamics, and must therefore be addressed in efforts to quell violence and achieve a sustainable peace. NSAGs have come into conflict with other NSAGs over control of smuggling routes, and trafficking has also exacerbated inter-communal conflict.[218] The EPON study also notes that despite its role in sustaining violence, organized crime was not included in the Algiers Agreement, although many of the signatories to the Agreement are not clearly demarcated on the ground with terrorist and actors involved in organized criminal activity.[219]

The failure to address transnational organized crime at the strategic level of conflict and political actors has implications at the operational level. Ignoring the issue in the peace process has enabled the continued operation of organized criminal networks linked to armed groups. Political patronage relations involving criminal groups further undermine the prospects for countering organized crime, while state capacity-building efforts are limited and likely to have minimal impact unless they address corruption and the linkages between state actors and criminal networks.

Moreover, according to the International Crisis Group (ICG), collusion between local traffickers and certain national leaders in the G5 Sahel states has created conflicts of interest that undermine the G5 Sahel initiative. In addition, the fact that disadvantaged communities across the region rely on incomes linked to trafficking increases the political risk that targeting trafficking and organized crime will lead to a loss of support from among these populations.[220]

Unlike their counterparts in CAR, UN Police personnel deployed with MINUSMA do not have any form of limited executive mandate to arrest or detain suspects. In order to implement their mandate to build state capacity in the police and justice sector,

[215] United Nations, Security Council, 'Situation in Mali: Report of the Secretary-General', S/2022/446, 2 June 2022, paras 15 and 25.

[216] Security Council Report, 'Mali: Council vote to renew the mandate of MINUSMA', What's in Blue, 29 June 2022.

[217] Herbert, M. and Tinti, P., 'Crime after Mali's coup: Business as usual?', Global Initiative Against Transnational Organized Crime, 31 Aug. 2020.

[218] van der Lijn et al. (note 213), pp. 38–39.

[219] van der Lijn et al. (note 213), p. 108.

[220] International Crisis Group (note 207), pp. 7–8.

MINUSMA relies on the willingness of the Malian authorities to accept technical assistance through the provision of mentoring and advice to police and justice officials. MINUSMA can provide assistance, even including laboratory analysis of evidence, but responsibility for investigating and building cases, prosecuting and sentencing rests with the host state. While structural elements might exist in the host state police for investigation of transnational organized crime, there also needs to be sufficient political will in this sensitive context, which unfortunately remains lacking.

MINUSMA's work on countering transnational organized crime has focused in particular on the trafficking of weapons and ammunition, which is linked to other serious crimes, including attacks on peacekeepers. The diversion of arms stocks from depots and military stores, for example, is a common problem. However, identifying the origin of weapons and when they entered the illicit economy requires the cooperation of the state that produced the weapons or ammunition, and this cooperation has been absent.[221]

Addressing organized crime also requires cooperation within the mission, especially between the police and military components. MINUSMA's military component is the first responder to a crime scene where an attack on peacekeepers (including with an improvised explosive device) has occurred. However, the military component is focused on tactical impact and response. It is not focused on forensic science or the collection, technical analysis and preservation of evidence linked to the attack for eventual use in the prosecution of suspects, which falls ultimately to the host state. Because the military component does not perform the criminal investigation, it could inadvertently contaminate evidence. One way in which the UN Police collaborates with the military component of MINUSMA on issues linked to organized crime is by sensitizing military component personnel about the importance of preserving a crime scene and the evidence at that crime scene. While members of the UN Police specialize in criminal investigation or collecting and analysing evidence that can be used to identify and build a case to prosecute a suspect, military personnel are not similarly trained. Since military leaders of the mission are not trained to do the job of a judicial police officer, one UN Police initiative was to sensitize military contingent leaders in workshops to the needs of the police or judicial officers when investigating and collecting evidence.[222]

The need for such cooperation resulted in the production in 2020 of a Standard Operating Procedure on the collection of evidence. This was at a significant juncture when the criminal aspect was being integrated into mission response to an attack and a crime scene. Nonetheless, the lack of political engagement by the host state with prosecuting accused perpetrators of organized crime or international crimes has imposed clear limits on the ability of the mission to support and build host state capacity in this area.

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[221] Interview, UN Police, MINUSMA, via zoom, 12 Sep. 2022.
[222] Interview, UN Police, MINUSMA, via zoom, 12 Sep. 2022.

6. Comparison of the approaches to organized crime by MONUSCO, MINUSCA and MINUSMA

The three states considered here have experienced continuing instability and armed conflict. The multiple armed groups are fluid. Some, as in the DRC, have fragmented further into self-defence groups, militias and gangs, while some, as in CAR, have formed new coalitions to violently contest the state, and others, as in Mali, compete among themselves and with criminal groups. Domestic groups may have emerged as a result of genuine grievances against their respective governments, linked to acts of omission or commission. International groups are also present, such as jihadist groups in Mali, and can profit from existing grievances against government authorities. In contesting state authority, armed groups have also increasingly targeted the UN peace operations that provide support to the host state, and seek to neutralize armed groups and extend state authority.

Armed groups support themselves primarily through activities in the illicit economy—illicit extraction and smuggling of natural resources, illicit trade in drugs, arms and contraband, extortion, human trafficking, kidnap for ransom and imposing informal 'taxes' on local businesses and communities. In CAR 'political, criminal and extremist motives' drive organized violence involving the multiple competing armed groups.[223] The same can be said of the DRC and Mali. Rebels and armed groups are noted to be motivated by a mix of aims—ideological or political, but also economic—and sometimes the economic come to the fore.

What emerges from the three cases is the absence of an integrated approach by the stabilization missions to the challenges posed by conflict and organized crime actors. Robust mandates and capacities have been used to target armed groups as conflict actors, albeit with varying degrees of success over time. What is left only partially addressed is the involvement of conflict actors—armed groups, but also state-embedded actors—in illicit markets that provide economic and material support for armed groups, and feed the patronage and clientelistic systems in these settings. To a certain degree, sanctions regimes imposed by the UN and other multilateral organizations such as the AU, as well on a bilateral basis by certain states, can target key individuals identified as 'obstructing the implementation of priority measures', including through activities considered organized crime such as arms trafficking, undermining the peace process or carrying out attacks on peacekeepers, violating human rights or impeding the delivery of humanitarian assistance, as is the case in Mali.[224] However the number of listed individuals is small and the panels of experts, the investigatory teams responsible for monitoring implementation of sanctions regimes, have few resources. While they receive support from the peace operation, in terms of logistics and information, there is a clear discrepancy between the capacities of these small expert teams consisting of around five people and the large presence of uniformed and civilian peace operations personnel on the ground.

UN peace operations have in recent years improved their situational awareness by expanding intelligence functions and improving internal coordination, notably through the co-location of component personnel in structures like the Joint Mission Analysis Centre (JMAC) and Joint Operations Centre (JOC). Joint efforts in the operational domain have also shown some improvement. At the strategic level, there is a continuing lack of official UN guidance on political engagement with armed groups

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[223] Muggah, R. and de Dieu Ntanga Ntita, J., 'Reducing community violence in the Central African Republic: The case of Bria', *Small Wars Journal*, 16 Aug. 2018.

[224] UN Sanctions App, 'Mali: Episode 1', 4 Sep. 2017 to present.

by UN and other mediators in peace processes. This lack of guidance highlights the sensitivity of these issues, which are closely linked to issues of state sovereignty.[225] While the lack of guidance can provide mediators with space to be creative and flexible on the ground, it is also reasonable to assume that this lack is a missed opportunity to offer insights and lessons from previous experience.

Furthermore, the stabilization missions focus primarily on armed groups, and mainly as conflict actors. However, the expert resources on organized crime cited above indicate that state-embedded actors are not just involved in illicit markets and activities, but may be the dominant actors in illicit markets in the settings examined in this report. Despite the focus by the UN on non-state armed groups as perpetrators of violent conflict and crime, the reports of the panel of experts document the involvement of state-embedded actors in illicit natural resource trade in the DRC and Mali. State actors in CAR are also identified as frequently involved in wildlife crime and diamond trafficking.[226] Thus, organized criminal activity and illicit markets in these settings are linked not only to armed groups and external actors, but also to domestic political actors and state officials, including those working for the armed forces and police. For some Africa experts, neither 'organized crime' nor 'corruption', as the terms have come to be understood and applied in the global North, fit well with the types of settings examined above. They fail to capture the extent to which criminal activities permeate relations between the state, on the one hand, and political, economic and social actors, on the other.[227]

All three conflict-affected states examined above experience high or very high levels of organized crime, and these illicit markets are interlinked with protracted armed conflict and with clientelistic systems of governance by state and non-state actors. In the DRC, for example, non-state actors have developed symbiotic relationships with state actors and communities, and the governance system is in practice a system of relationships that provide protection in exchange for resources.[228] While NSAGs are implicated in organized crime and the illicit economy, they account for only a small percentage of the proceeds of flows of smuggled natural resources, estimated in 2015 to be 2 per cent of net smuggling profits in eastern DRC.[229] This is suggestive of large-scale transnational criminal networks and the involvement of state-embedded actors. A joint report on the DRC issued by the UN Environment Programme, MONUSCO and the UN Special Envoy for the Secretary-General for the Great Lakes Region concluded that these networks keep armed groups active, and sustain conflict and insecurity to enable the continuing illicit extraction of resources.[230]

Similar dynamics exist in CAR and Mali. CAR's armed groups are driven by economic, political and criminal interests, while concessionary politics and the distribution of entitlements by those who hold power drive perceptions of exclusion, grievance and violence.[231] In northern Mali, state officials' complicity in and tolerance of smuggling, kidnap for ransom and other criminal activity has been a driver of

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[225] Feltman, J., 'UN engagement with nonstate armed groups for the sake of peace: Driving without a roadmap', Brookings Initiative on Nonstate Armed Actors, 15 Jan. 2021.

[226] See e.g. Global Initiative Against Transnational Organized Crime (note 1), 'Central African Republic'.

[227] Ellis, S. and Shaw, M., 'Does organized crime exist in Africa?', *African Affairs*, vol. 114, no. 457 (2015), pp. 505–28, p. 515.

[228] Day (note 43), p. 96.

[229] Nelleman et al. (note 53), p. 44.

[230] United Nations Environment Programme, MONUSCO and UN Special Envoy of the Secretary-General for the Great Lakes Region, 'Experts' background report on illegal exploitation and trade in natural resources benefiting organized criminal groups and recommendations on MONUSCO's role in fostering stability and peace in eastern DR Congo', Final report, 15 Apr. 2015, para. 127(a–b).

[231] BTI Transformation Index, 'Central African Republic country report 2022', Country dashboard, Bertelsmann Stiftung, [n.d.].

instability and conflict.[232] Thus, in each of the countries that host UN stabilization operations, organized crime may be considered one component of a broader ecosystem of governance in which state and non-state actors may come into conflict, but may also interact, compete and cooperate.

Notwithstanding these broad similarities, the three stabilization missions also encounter distinct local contexts. MONUSCO confronts an intractable and volatile context in which armed groups and illicit trading have proliferated, while the mission has come under increasing local criticism for not doing more to protect civilians from harm from conflict parties.[233] Despite its robust mandate, MONUSCO is perceived as having failed to protect civilian populations. MONUSCO's police component has focused mainly on capacity-building with local police, and on training local counterparts in investigative and forensics techniques. MONUSCO is transitioning towards drawdown and eventual withdrawal, and a transition plan has created the impetus to address certain gaps in mining governance and to constrain illicit natural resource trafficking. The declaration of a state of siege in Ituri and North Kivu provinces, ostensibly to neutralize armed groups across the region, has resulted in civil administration functions being taken over by the Congolese military and police (the latter perceived as the most corrupt institution), human rights abuses and the suppression of dissent and criticism.

While MINUSCA derives some limited executive authority from its UTM mandate, which can be used to investigate, detain and arrest individuals suspected of involvement in serious and organized crime, this capacity has been applied largely to international crimes, such as crimes against humanity and violations of international human rights and IHL, and to apprehend suspects for the ICC and the SCC. UN Police provides support, mentoring and training to address weak host state capacity in investigations and arrests, while Justice and Corrections supports the host state on prosecutions, which remain the host state's responsibility. MINUSCA waits for formal requests from the host state before launching UTM investigations. The effectiveness of efforts to counter organized crime has been limited by continuing low levels of state capacity to prosecute suspects.

While organized crime is assessed as less of a problem in Mali than it is in the DRC and CAR, it remains a significant factor in conflict and governance through resilient patronage networks. Moreover, transnational organized crime in Mali affects European states more directly as the frequent targets of drug and migrant flows. This proximity and impact perhaps explain the level of attention and the explicit counter-organized crime mandate given to the G5 Sahel Joint Force, with support from the UN Office on Drugs and Crime (UNODC) and some MINUSMA police capacity-building activities. MINUSMA, which is the most dangerous mission in terms of attacks on peacekeepers, has focused its work on transnational organized crime on illicit arms trafficking and the link of such materiel to other serious crimes, in particular attacks on peacekeepers. However, the host state does not currently support cooperation on combating organized and international crime, with the result that perpetrators continue to enjoy impunity.

One apparent lesson that can be drawn from the three stabilization missions is the limited impact that state institution-building has had on the creation of more peaceful and better-governed societies. Organized crime and corruption appear to be deeply enmeshed in informal governance networks in the countries studied, and capacity-

[232] Lacher, W., *Organized Crime and Conflict in the Sahel-Sahara Region*, Carnegie Papers (Carnegie Endowment for International Peace: Washington, DC, 2012).

[233] Muhindo Sengenya, C., 'Why we're protesting against UN peacekeepers in DR Congo', New Humanitarian, 18 Aug. 2022.

building of police and security actors does not appear to be an adequate response to address this. Capacity-building has not addressed the corruption and patronage networks in police and security institutions, or the involvement of police and military personnel in illicit markets and transnational organized crime networks. One UN Police officer working with host state counterparts acknowledged that while the mission emphasizes local ownership and sustainability, it encounters genuine limitations in building policing capacity to counter organized crime in a context of corruption and patronage networks: 'You tell them to investigate something, but they respond that they don't have money to go home, or to eat or drink. How do you tell someone to do their job when they haven't been paid for six months?'[234] Senior UN Police personnel communicate to local police authorities that, as the mission prepares to leave, they need to pay their police officers, and that they need to better prepare their police with higher pay, proper training and opportunities for career and professional development.[235] Lack of political will in the host state is a factor in all three cases. International actors, including officials in some neighbouring states or from further afield, have become involved in the illicit extraction and export of natural resources from fragile, conflict-affected states, as well as in armed conflict and corrupt governance systems. This transnational dimension constitutes a further layer of complexity of organized crime in these contexts, which requires regional frameworks and approaches.

The mandates of the stabilization missions have not given clear priority to or guidance on addressing the problem of organized crime. The mandates for the three stabilization missions have varied over time in the extent to which they have focused on organized crime. There have been periods when organized crime attracted more attention and the peace operation was explicitly instructed by the Security Council to address some aspect of it, and others when it was only mentioned in passing to set the context, or not mentioned at all. There has been no explicit instruction from the Security Council on how to implement tackling the problem of organized crime. This appears to be part of a wider trend. A survey of mission mandates in 2018 found that only 23 per cent of mandates for peace operations and special political missions mentioned organized crime.[236] The above review of the mandates of MONUSCO, MINUSCA and MINUSMA shows that despite evidence of the reliance of armed groups on illicit markets to sustain their existence as conflict actors, and the integral involvement of certain state-embedded actors in these markets, when mentioned at all, countering organized crime was generally treated as a secondary or low priority task and one remedied by building state capacities.

In the DRC there have been periods of greater attention to organized crime from the Security Council, and an increased emphasis on sound natural resource governance as the mission has started the transition to drawdown and eventual withdrawal. MONUSCO's previous mandate explicitly tasked it with building the capacity of the host state authorities to counter serious and organized crime. In a subsequent mandate, however, under the heading of stabilization and strengthening of public institutions, the mission was mandated to 'provide technical assistance to the government of the DRC to help consolidate an effective national structure that controls the main mining activities'.[237]

MINUSCA has been given the 'additional' tasks of assisting the sanctions committee and panel of experts, monitoring implementation of the arms embargo on CAR and advising 'the CAR authorities on efforts to keep armed groups from exploiting natural

[234] Interview, UN Police, MONUSCO, via zoom, 14 Oct. 2022.
[235] Interview, UN Police, MONUSCO, via zoom, 14 Oct. 2022.
[236] Global Initiative Against Transnational Organized Crime (note 117).
[237] United Nations Organization Stabilization Mission in the DR Congo (MONUSCO), 'Mandate', [n.d.].

resources'.[238] However, the primary focuses of the mandated tasks after the protection of civilians are stabilization, the re-establishment and extension of state authority and the strengthening of public institutions.

In contrast, MINUSMA has a more direct mandate to address organized crime that focuses on building state capacity, especially in the justice sector, to investigate and prosecute those responsible for organized crime. The mission is mandated to help to ensure 'the effectiveness of justice and corrections officials as well as Malian judicial institutions, particularly regarding the detention, investigation and prosecution of individuals suspected of, and sentencing of those found responsible for terrorism-related crimes, mass atrocities and national organized crime activities (including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants)'.[239] The focus on technical capacity-building, however, avoids addressing the involvement of state-embedded actors and patronage networks, which constitute essential elements of the local ecosystems of governance and conflict.

A further lesson from this study of stabilization missions is that countering organized crime is treated as a technical task that has fallen mainly to the police component, and is implemented as building host state police capacity for conducting criminal investigations and criminal analysis. International police officers (IPOs) provide training, mentoring and advice to host state counterparts, although the precise structures for engaging with issues of organized crime vary among the missions. Sometimes it falls to members of a Specialized Police Team to build state capacity in a specific area, such as forensics, or undertake specific work on organized crime, as seen in MONUSCO and MINUSMA. In other missions there is a serious and organized crime unit, or training and mentoring is implemented while providing support for criminal investigations or the development activities of the UN Police (as in MINUSCA).

While stabilization missions have improved information and intelligence capacities, including through co-locating UN Police in the JMAC and the JOC, the research found little evidence of more systematic engagement with other units, agencies and programmes to inform activities that might counter the actors and factors that enable and sustain illicit markets and organized crime. Similarly, the research suggests that the UN continues to avert its eyes from the problem of corruption and patronage systems.

This review of the stabilization missions suggests that even a narrow focus on technical efforts to support strengthening host state capacity in policing indicates that police components are systemically under-resourced. The police components in all three stabilization missions constitute a fraction of the military component. This reflects the dominant military logic of the stabilization missions, but also the more systemic challenges of deploying IPOs compared to the military in peace operations, since it is far more challenging to deploy large numbers of police personnel than military personnel, given that they are in high demand in their home states. Moreover, the seemingly elevated numbers of the police component are due to the majority of the police component in stabilization missions being composed of Formed Police Units (FPUs), cohesive units of around 140 armed personnel who have trained together and operate as a single specialized unit with robust law enforcement capacity including in high-risk environments.[240] FPUs were created when a gap was recognized between military units and the usually unarmed civilian IPOs. FPUs primarily provide security for UN personnel and facilities. They can also contribute to the protection of civilians, and provide support for police operations that require a formed response

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[238] United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), 'Mandate', [n.d.].

[239] United Nations Security Council Resolution 2531, 29 June 2020, para. 28(a)(iv).

[240] UN Police, 'Formed Police Units', [n.d.].

or specialized capacity such as high-visibility patrols, joint patrols with IPOs or host-state counterparts, public order management, intervention or tactical progression.[241] However, FPUs have no role in capacity-building, mentoring or monitoring host state police.

UN Police IPOs, who are responsible for training, mentoring, advising and supporting host state counterparts, constitute an even smaller part of these missions. For example, in December 2020 the Security Council authorized MONUSCO's ceiling at 591 IPOs, which was reduced to 455 at the recommendation of the UN General Assembly Fifth Committee. The disruption caused by the Covid-19 pandemic meant that only 377 had been deployed by mid July 2021.[242] In contrast, the authorized ceiling for military personnel was 14 000. Similarly, MINUSCA currently has 400 IPOs and 12 FPUs of 140 personnel each, but it has an authorized ceiling of 14 400 military personnel. MINUSMA currently has 289 IPOs and, reflecting the highly dangerous conditions, 1442 FPUs, whereas the military component is authorized to have over 13 000 military personnel.[243] As one respondent noted, 'the mission doesn't pay much attention to the police component; they are a small part of the mission'.[244]

Questions have also been raised about the effectiveness of police capacity-building due to its failure to address the underlying reality of the system of host state policing. Police officers in the DRC, for example, often do not get paid or are paid only intermittently. Police elsewhere are not paid for long periods or paid very poorly. Several former UN Police members stated that they had worked with local police who had not been paid for several years.[245] These host nation police are also often expected to send money further up the police hierarchy to their superiors. In order to preserve their positions and survive economically, they become part of the criminal and predatory economy, imposing fees and requiring bribes, which can involve use of roadblocks to extract tolls from motorists and to collect money from taxi and lorry drivers.

Regardless of the precise form that capacity-building assistance takes across the three stabilization missions and the paucity of resources allocated to it, the critical element that they share, and the more profound critique of the UN approach generally, is a technical approach that emphasizes police (and sometimes judicial) training and skills development. The fundamentally political issue of the link to state actors and governance systems, and how these interact with violent conflict, is not addressed. This indicates another layer of complexity linked both to organized crime and to the UN stabilization missions' focus on achieving stabilization in part through state-building by building the capacity of the police and other state institutions. After protection of civilians and support to the political process, the UN's primary operational focus in stabilization missions has been extension of state authority through the strengthened presence and capacity of state institutions. However, 'state-building' or capacity-building is conducted without addressing the highly entrenched patronage systems that link those who hold power in Kinshasa, Bangui or Bamako to police and other security personnel located throughout the country, especially at the periphery.

Furthermore, capacity-building and the extension of state authority are attempted without interrogating the links of state actors to illicit markets and organized crime. As discussed above, studies of transnational organized crime have found that state-embedded actors, including police and security personnel, but also political figures

[241] United Nations, Department of Peacekeeping Operations/Department of Field Support, Policy (Revised), 'Formed Police Units in United Nations Peacekeeping Operations', 2016.10, section D.1.2., 'Core functions, tasks and necessary skills/capabilities'.

[242] MONUSCO, 'Police', [n.d.].

[243] MINUSCA (note 238) and MINUSMA, 'Police', [n.d.] (accessed 1 Dec. 2022) .

[244] Interview, MONUSCO, via zoom, 23 Feb. 2022.

[245] Interviews, former UN Police personnel, Feb.–May 2022.

and government officials, are often dominant figures in organized criminal activities, through corruption, collusion or collaboration.[246] The extent to which this occurs has led some area experts to maintain that there is 'a reformulation of politics and crime into networks that transcend the state/non-state boundary'.[247] In other words, assumptions about the state are challenged in these contexts. What is generally understood as organized crime in the conflict-affected contexts of UN stabilization missions is not clear or straightforward. There is a blurring of the boundaries between the three types of actors: armed groups, criminal groups and state actors. Organized crime groups influence both conflict and governance. Competition among groups involved in organized crime can spur conflict. Armed groups and organized crime groups may also be nodes in governance systems—they have been found to exist in symbiotic relationships with the communities in which they operate, but also with political elites and state actors that ostensibly seek to enforce the law and serve the public interest.

These factors suggest that the analytical and policy frameworks used by UN stabilization missions to understand and respond to contemporary armed conflict and governance in conflict-affected contexts are flawed, partial and outdated. The basic logic of stabilization missions is to eliminate the use of violence as a political instrument and progressively strengthen state capacity through institutional reform. UN stabilization interventions underestimate the complexity of power relations in conflict-affected environments and aim to achieve stability in a linear process of state-building.[248] Weakening patronage networks and combating transnational organized crime are treated as smaller elements of the problems of violence and weak state capacity, and addressed largely through technical approaches rather than as fundamentally political challenges. A stronger focus on governance, including on neo-patrimonial regimes and patronage networks, might help to shift attention to a more accurate understanding of complex power dynamics and to more effective interventions.

The effectiveness of stabilization missions hinges on removing the threat of political violence and strengthening the governance environment so that state institutions become more legitimate in the eyes of citizens and more effective. It is not apparent that this is being achieved in any of the three countries considered above. More fundamental criticism of international peacebuilding efforts focuses on their assumption that the deployment of international peacekeeping troops and the partial restoration of state authority would resolve the country's 'quasi-permanent' dysfunction and crisis.[249] International actors have been accused of advancing the usual playbook of international stabilization and peacebuilding—peace talks, elections, DDR and SSR—which have been ill-configured to the local context and perpetuated dysfunction rather than resolved it. Carayannis and Lombard call this 'public theatre' that provides funding for national stakeholders without broaching the substantive political and institutional reforms needed to bring an end to instability and conflict.[250]

Organized crime and illicit economies are problems that cannot be resolved by the UN Police alone. The profound interrelationship in conflict-affected contexts between criminal groups, armed groups and state-embedded actors, as well as international

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[246] Global Investigative Journalism Network, 'Document of the day: Global Organized Crime Index', 5 Oct. 2021; and Global Initiative Against Transnational Organized Crime, 'The Global Organized Crime Index, 2021'.

[247] Ellis and Shaw (note 227).

[248] Day, A. C. and Hunt, C. T., 'UN stabilisation operations and the problem of non-linear change: A relational approach to intervening in governance ecosystems', *Stability: International Journal of Security and Development*, vol. 9, no. 1 (2020), p. 2.

[249] Carayannis, T. and Lombard, L., 'A concluding note on the failure and future of peacebuilding in CAR', eds Lombard and Carayannis (note 128), p. 325.

[250] Carayannis and Lombard (note 249), p. 327.

actors acting within the state and outside its borders, suggests that received frameworks are outdated. The character of conflict has shifted, and governance systems are far more complex and intractable than has previously been assumed. Stabilization and peacekeeping approaches have been based on outmoded models. They need to acknowledge these changes and to start to adapt if they hope to remain relevant actors in international peace and security.

7. Conclusions and recommendations

This study has discussed how organized crime is intertwined with armed conflict and informal governance systems in states hosting stabilization missions. The proceeds of organized crime help to sustain rebels and armed groups, and these groups to continue their violence in struggles against the state to control territory and illicit extraction, trade and trafficking, alongside criminal groups. Organized crime often also intersects with governance as systems of extraction are linked with patronage networks involving political and state actors. Organized crime and illicit markets at times provide livelihood support for members of marginalized communities. Some of the main illicit markets—for example, illegally exploited natural resources such as gold, diamonds, minerals and lumber—are critical to local and national development. The political economy of such conflict-affected settings—where hybrid or multi-level governance exists in a context of fragmented state authority in which illicit markets are a source of income for a swathe of state and non-state actors at the local and national level—creates complex contexts that have proved resistant to stabilization and peacebuilding efforts by the UN and other international actors. Based on this analysis, this report outlines eight main conclusions and corresponding recommendations.

First, this study concludes that there is little open acknowledgement of the intertwining of organized crime with armed conflict and informal governance in international stabilization and peacebuilding interventions. Security Council mandates for UN peace operations, and in particular those for stabilization missions, reflect this gap and fail to address the impact of organized crime on the strategic objectives of securing an inclusive and sustainable peace. The first recommendation therefore concerns the need to *build substantive knowledge and strategic capacity to broach politically sensitive issues around the crime/conflict/governance nexus in the context of stabilization and peacebuilding*. Focusing on the role of strategically placed individuals in driving change, this paper proposes sensitizing key individuals involved in drafting peace operation mandates and those in mission leadership positions.

This study recommends raising the awareness and building the knowledge base of the key actors influencing the scope of such interventions, notably Security Council members, particularly those holding the pen when drafting mandates, as well as senior political leadership at the special representative of the secretary-general level and the political mediators involved in UN peace operations. Providing these actors with a more comprehensive understanding of how the phenomenon of organized crime in a local context can interact with armed conflict, with state authority and legitimacy, and with broader governance systems, including by non-state actors, should improve the prospects for more effectively targeted mandates and implementation by peace operations.

Second, preferably as part of preparations for the establishment of a new mission, and at regular intervals thereafter, *a comprehensive and multidimensional assessment of illicit markets, organized crime and connections to conflict and political actors in the local context* should be conducted to inform needs assessment. Assessment should be multidimensional and conducted in cooperation with key partners within the UN system and beyond to bring together expertise in the affected spheres, including from UNODC, UNDP and the World Bank. Part of the assessment should entail replacing assumptions on linear change with systems thinking, acknowledging the reality of hybrid and multi-level governance systems, and conducting a political economy analysis of the drivers of conflict and informal governance that fully integrates the factor of organized crime.

Third, this study has noted the hybrid nature of governance in these contexts, as UN stabilization mission responses to organized crime focus on the element of strengthening the formal state's institutional response by building police capacity to investigate organized criminality. Despite ample evidence that the models of governance that underpin international interventions do not reflect the domestic realities in host states, they continue to be promulgated in international interventions with very modest results. This study recommends a *reconsideration of the governance assumptions underlying stabilization missions and their corresponding emphasis on the extension of state authority, state-building and capacity-building*. Such a reconsideration must be informed by more accurate analyses of power relations and the crime/conflict/governance nexus, and by inclusive surveys of public perceptions. Stabilization and peacebuilding interventions should seek to mitigate the risk that investment in building state capacity is wasted, or even feeds into patronage networks and hybrid governance systems linked to organized crime and conflict.

Fourth, a key mission mandate common to all three cases is the support given to the political process to end hostilities and achieve a lasting peace. However, the involvement of conflict parties in illicit markets and organized crime has rarely been addressed in the context of seeking a political settlement. This study therefore recommends that *serious and organized crime be integrated into the analysis of elite and NSAG incentives and power dynamics, and integrated into corresponding efforts by the peace/stabilization operation to support the emergence of a political settlement*. The integration of an organized crime lens into the work of the peace operation in support of the political process should provide insights at the strategic level into how organized crime interests and illicit markets link to political actors, local populations, electoral processes and state-embedded actors.

Fifth, this study has found that programming in stabilization missions to counter organized crime is largely focused on the mandate to support the extension of state authority, which in turn has been implemented as state police capacity-building, including the capacity to counter organized crime. This has taken the form of training, and providing mentoring and support to the host state police, in investigative techniques and forensics, complemented by the provision of infrastructure, vehicles, equipment and other materiel. While helpful at the technical level, this has not been accompanied by efforts to combat systemic corruption and patronage networks within the state police, law enforcement and justice system structures themselves, which facilitates organized crime. Addressing the intertwining of conflict and governance actors in illicit markets will require *a more comprehensive approach and engagement by the various mission components and actors dealing with governance and integrity in the police, the security sector and public administration more broadly*. Fundamental to achieving meaningful change in these contexts will be understanding the deficits in the governance of police and other state security and justice institutions, and supporting the strengthening of oversight and accountability.

Also essential is acknowledging the profoundly political implications of reforming and strengthening police and other state institutions, and the impact this will have on power dynamics among various stakeholders and institutions. Corruption within the host state police, including the continued existence of patronage networks, has been largely untouched by police capacity-building efforts. This undermines the goal of strengthening the authority and legitimacy of state institutions in the eyes of the public. Without considering the governance of the police, including accountability and civilian oversight, technical capacity-building will have little impact on the wider ecosystem in which organized crime is embedded.

Sixth, at the component level, the UN Police should seek to deepen its understanding of how organized crime and illicit markets affect the host state police and the wider objective of strengthening legitimate and accountable security and justice institutions. In collaboration with other mission actors, such as the security sector reform unit, *the UN Police should strive to broaden its own capacities for engagement from delivering technical capacity-building to understanding and addressing deeper structural reform issues, including corruption, oversight and the accountability of the host state police.* As one step towards such a transformation in its approach, the UN Department of Peace Operations and the UN Police should move away from a focus on reporting raw statistics, such as the number of training events or patrols, and begin to measure the outcomes of activities.

Seventh, the prominence of state-embedded actors in organized crime in the case study countries, particularly the DRC and CAR, creates significant barriers to combating organized crime. Any strategy for countering organized crime must not only focus on criminal networks and NSAGs, but also understand how actors within state institutions and political elites are involved in illicit markets. MONUSCO's transition strategy, which maps a path to an eventual exit by the mission, identifies the objective of improving governance arrangements over the mining sector in the DRC, which is a modest step in the right direction. *Before rushing into transition and drawdown of any mission, this report recommends a comprehensive and frank appraisal of what the mission has achieved and, as important, what it has not achieved in terms of countering organized crime and the involvement of both NSAGs and state-embedded actors.*

The final recommendation underscores that while policing is an important element of countering organized crime, it is one among several needed to address this far-reaching phenomenon in conflict-affected contexts. Despite the cross-cutting effects of organized crime on peace, governance, development and human rights, however, the study found scant evidence of efforts to coordinate or join up approaches to countering organized crime across pillars within the mission and in the wider UN system. Several mandates have mentioned combating trafficking in natural resources or other forms of organized crime, and that missions should support the work of panels of experts focused on monitoring the implementation of sanctions regimes such as arms embargoes. However, specific guidance is lacking on how missions should implement these mandates. Moreover, there is little evidence of systemic collaboration, in which information on organized crime and illicit markets is shared and used to inform the mission's operations, be they providing support to political processes to end conflict, strengthening the rule of law, the provision of security, safety and justice, or to assist former combatants to demobilize and reintegrate into the civilian economy. While certain modest efforts to coordinate were found, such as the initiative in MINUSMA to educate the military component leadership on the need to preserve evidence at the scenes of attacks on peacekeepers for possible criminal prosecution, these appear to be the exception rather than the rule.

Based on these findings, the study recommends that *UN peace operations explore more comprehensive and coherent approaches to countering organized crime, including the coordination of approaches across mission components and more broadly across the UN system.* A more coordinated approach should be based on a comprehensive assessment of organized crime in the context of recommendation one, and the strategic-level insights into how organized crime affects the overarching mandates of stabilization missions to protect civilians, reduce violence and advance the political process towards peace in recommendation two.

Improving how UN peace and stabilization operations engage with organized crime will require a frank assessment of its significance and role in systems of governance

and as a driver and enabler of armed conflict, as well as of its impact on human rights and development. Improving UN engagement will also require deliberate efforts to transcend the silos within each mission, and in the peace and security, human rights and development pillars of the UN system more broadly. While currently treated as a niche concern of the UN Police, this report has shown how serious organized crime undermines the wider strategic objectives of multilateral peace operations. The political economy of conflict and of multilevel governance systems must be better understood. Political dialogues and peace processes should include consideration of illicit markets and organized crime. The barriers between the police division, on the one hand, and SSR, DDR, justice and the rule of law, and political affairs, on the other, should be transcended through closer cooperation at all stages of mandate implementation with regard to organized crime. The prevailing law enforcement approach on its own is insufficient to address the deeper dynamics linking serious organized crime to conflict, weak governance and restricted development in conflict-affected contexts. The continuing failure to address these silences at a strategic level is a critical gap in the long-term effort to assist conflict-affected societies to stabilize and build peace.

About the author

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